

C. C. T. 1836

JOURNALS
OF THE
HONORABLE SENATE
AND
HOUSE OF REPRESENTATIVES,

JUNE SESSION, 1836.



JOURNAL
OF THE
HONORABLE SENATE,
OF THE
STATE OF NEW-HAMPSHIRE,
AT THEIR SESSION
HOLDEN AT THE CAPITOL IN CONCORD,
COMMENCING

Wednesday, June 1, 1836.

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8. COMMUNICATING

9. STAFF JOURNAL

10. STAFF JOURNAL

11. STAFF JOURNAL

12. STAFF JOURNAL

13. STAFF JOURNAL

14. 1884

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WEDNESDAY, JUNE 1, 1836.

This being the day prescribed by the Constitution for the General Court of New-Hampshire to assemble, the following persons, elected Senators, appearing, took and subscribed the oaths of office agreeably to the provisions of the Constitution, viz:

From District No. 1—Hon. Thomas J. Parsons,
No. 2—Hon. Smith Lamprey,
No. 3—Hon. John Woodbury,
No. 4—Hon. James Clark,
No. 5—Hon. Noah Martin,
No. 6—Hon. Jonathan T. Chase,
No. 7—Hon. Israel Hunt, jr.,
No. 8—Hon. Samuel Jones,
No. 9—Hon. Levi Fisk,
No. 10—Hon. Samuel Egerton,
No. 11—Hon. Nathaniel S. Berry,
No. 12—Hon. Walter Blair.

The Senate was then called to order by the Clerk.

On motion of Mr. Clark—

The Senate proceeded to the choice of a Chairman, and the Hon. Nathaniel S. Berry was elected and took the chair.

On motion of Mr. Blair—

The Senate proceeded to the choice of a President, and the Hon. James Clark was unanimously elected.

Mr. Clark addressed the Senate, signifying his acceptance of the office, and took the chair.

On motion of Mr. Lamprey—

The Senate proceeded to the choice of a Clerk, and Asa Fowler was unanimously elected.

On motion of Mr. Parsons—

The Senate proceeded to the choice of an Assistant Clerk, and John L. Carleton was unanimously elected.

Asa Fowler, elected Clerk, and John L. Carleton, elected Assistant Clerk, appearing, were severally sworn to the faithful discharge of the duties of their respective offices, and entered upon the same.

On motion of Mr. Martin—

The Senate proceeded to the choice of a Door-Keeper, and Jacob Tyler was unanimously elected.

Ordered, That the Assistant Clerk notify Jacob Tyler of his election as Door-Keeper.

On motion of Mr. Martin—

Ordered, That the Clerk inform the House of Representatives that the Senate have assembled, chosen their Constitutional officers, and are now ready to proceed to business.

On motion of Mr. Chase—

Resolved, That the time to which the Senate adjourn, shall be ten o'clock in the forenoon and three o'clock in the afternoon, until otherwise ordered.

On motion of Mr. Berry—

Resolved, That a select committee of three be appointed to report rules and regulations for the government of the Senate the present year.

Ordered, That Messrs. Berry, Parsons and Martin constitute said committee.

On motion of Mr. Martin—

Resolved, That the rules and regulations of the Senate for last year, be adopted as the rules and regulations for the present year, until otherwise ordered.

On motion of Mr. Parsons—

Resolved, That the joint rules of the two branches of the Legislature for the year 1835, be adopted as the joint rules of the two branches the present year, or until otherwise ordered.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Parsons—

The Senate adjourned.

AFTERNOON.

A message from the House of Representatives by their Clerk.

“Mr. President—The House of Representatives have assembled, chosen Hon. Charles G. Atherton, Speaker, Jeremiah Elkins, Clerk, and Winthrop Young, Assistant Clerk, and are now ready to proceed to the business of the session.

The House of Representatives concur with the Senate in adopting the joint rules of both branches of the Legislature of 1835, as the joint rules of both branches the present year, or until otherwise ordered.”

A message from the House of Representatives by their Clerk.

“Mr. President—The House of Representatives have passed a resolution, appointing Messrs. Stevens of Newport, Eastman of Gilmanton, and King of New-Ipswich, a committee with instructions to wait on His Excellency the Governor and inform him that quorums of both branches of the Legislature have assembled, are organized, and now ready to receive any communication he may be pleased to make; in which they ask the concurrence of the Senate.

The House of Representatives are now ready to meet the Senate in Convention, for the purpose of proceeding in the elections agreeably to the provisions of the Constitution.”

On motion—

Resolved, That the Senate concur with the House of Representatives in the appointment of a joint select committee to wait on His Excellency the Governor and inform him of the organization of the Legislature.

Ordered, That Mr. Egerton be joined to said committee on the part of the Senate.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Hunt—

Resolved, That the Senate now meet the House of Representatives in Convention to proceed in the elections.

IN CONVENTION.

The Senate and House of Representatives being assembled in the Representatives' Hall, for the purpose of proceeding in the elections agreeably to the provisions of the Constitution, the Secretary of State came in and laid before the Convention the returns of votes for Governor from the several towns and places in this State, and also the returns of votes for Counsellors in the several Counsellor Districts in this State.

On motion of Mr. Chase of the Senate—

The Convention proceeded to open, read and record the returns of votes for Governor from the several towns and places in this State, and completed the same.

On motion of Mr. Blair of the Senate—

Resolved, That the returns of votes for Governor, be referred to a select committee, with instructions to compare and cast their numbers and report to the Convention thereon.

Ordered, That Messrs. Blair of the Senate, Chadwick of Middletown and Edwards of Keene of the House of Representatives be said committee.

On motion of Mr. Treadwell of Portsmouth—

The Convention rose and the Senate returned to their Chamber.

IN SENATE.

A Message from the House of Representatives by their Clerk.

“Mr. President—I am directed to inform the Honorable Senate that the House of Representatives have passed a resolution appointing Messrs. Stevens of Lebanon, Clement of Claremont, and Conant of Jaffrey, with such as the Senate may join, a committee to report joint rules for the government of both Houses the present year; in which they ask the concurrence of the Senate.

I am also directed to inform the Senate that prayers will be attended in the Representatives' Hall, at a quarter before ten o'clock tomorrow morning, at which time the Senate are invited to attend.”

On motion of Mr. Hunt—

Resolved, That the Senate concur with the House of Representatives in the passage of a resolution appointing a joint select committee to report joint rules for the government of the two Houses the present year.

Ordered, That Mr. Hunt be joined to said committee on the part of the Senate.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Berry—

The Senate adjourned.

THURSDAY, JUNE 2, 1836.

A message from the House of Representatives by their Clerk.

“Mr. President—I am directed to inform the Honorable Senate that the House of Representatives are now ready to meet the Senate in Convention, to proceed in the elections agreeably to the provisions of the Constitution.”

Mr. Egerton, from the joint select committee to wait upon His Excellency the Governor and inform him of the organization of the Legislature, reported that they had attended to the duty assigned them.

On motion of Mr. Chase—

Resolved, That the Senate now meet the House of Representatives in Convention, to proceed in the elections.

IN CONVENTION.

The Senate and House of Representatives being assembled in Convention in the Representatives' Hall, for the purpose of proceeding in the elections agreeably to the provisions of the Constitution:

Mr. Blair, from the select committee to whom were referred the returns of votes for Governor, with instructions to examine and compare the same, and cast their numbers, made the following

REPORT:

“The whole number of votes legally cast is	30,925
Necessary to a choice,	15,463
Estimated as scattering,	1,111
Joseph Healey has	2,566
George Sullivan has	2,344
Isaac Hill has	24,904

and is duly elected Governor for the ensuing political year.

In the above estimate your committee have included the votes from the town of Nottingham in the county of Rockingham, for Isaac Hill 148, although it does not appear by the return that the votes were declared in open town-meeting; also the votes from the town of Holderness in the county of Grafton, for Isaac Hill 87, Joseph Healey 1, and estimated as scattering 23, although it ap-

pears by a note made by the Secretary that the return was received May 21, not twenty days prior to the first Wednesday of June—your committee being of opinion that the negligence or omission of officers in the performance of their duty, should never deprive the citizens of the right of suffrage which is secured by the Constitution, yet that all requisitions should be strictly complied with and that all officers should be held to answer under the penalties of the law for such offences.

No returns have been received from the towns of Eaton in the county of Strafford, and Grafton in the county of Grafton."

On motion of Mr. Parsons of the Senate—

Resolved, That the foregoing report be accepted.

On motion of Mr. Lamprey of the Senate—

The Convention proceeded to open, read and record the returns of votes given for Counsellors in the several Counsellor Districts in this State, and completed the same.

On motion of Mr. Chase of the Senate—

Resolved, That a select committee be appointed to receive, sort, count and cast the returns of votes given for Counsellors in the several Counsellor Districts in this State, and report thereon.

Ordered, That Messrs. Berry of the Senate, Page and Comerford of the House of Representatives, be that committee.

On motion of Mr. Martin of the Senate—

The Convention rose and the Senate returned to their Chamber.

IN SENATE.

Mr. Berry, from the select committee appointed to report rules and regulations for the government of the Senate the present year, reported for consideration the following

RULES OF THE SENATE :

1. The President having taken the chair, and a quorum being present, the journals of the preceding day shall be read, and any erroneous entry shall be corrected.
2. No member shall hold conversation with another, during the reading of the journals, or while a member is speaking in debate.
3. Every member rising to speak, shall address the President, and when he has finished shall sit down.
4. No member shall speak more than twice on the same question on the same day, without leave of the Senate.
5. More than one member rising to speak at the same time, the President shall decide who shall speak first.
6. If any member transgress the rules of the Senate, the President shall, or any member may call him to order, in which case

the member so called to order shall sit down, and the Senate, if appealed to, shall decide in the case; but if there be no appeal the decision of the President shall be conclusive.

7. No member shall absent himself without permission from the Senate.

8. A motion shall be seconded before it is debated, and if required by the President, or any member, it shall be reduced to writing.

9. When a question is under debate, no motion shall be received but to adjourn, to postpone indefinitely, to lie on the table, to postpone to a certain day, to commit, or to amend, which several motions shall form precedence in the same order in which they are arranged.—And no motion to postpone indefinitely, to postpone to a certain day, or to commit, being decided, shall be in order at the same stage of the bill or proposition until after an adjournment.

10. If the question under debate will admit of division, any member may have it divided, and in filling blanks, the longest time, and largest sum, shall be put first.

11. When the reading of a paper is called for, and the same is objected to, it shall be decided by a vote of the Senate, and without debate.

12. When the ayes and noes are required, each member shall declare his assent or dissent to the question, unless for special reasons he be excused by the Senate.

13. When a motion is made to shut the doors of the Senate on the discussion of any business, which in the opinion of any member may require secrecy, the President shall desire the gallery to be closed, and the doors shall remain closed until the subject is disposed of.

14. After a motion has been decided, it shall be in order for any member who voted with the majority, or if the Senate be equally divided any member voting on the side prevailing, to move for a reconsideration thereof, unless the bill, resolution, report, amendment, or motion on which the vote was taken, has gone from the possession of the Senate; but no motion to reconsider shall be in order, unless made the same day on which the vote was taken, or the day next after on which the Senate shall be in session; but no vote shall be reconsidered when a less number of members is present than when it passed.

15. Before any petition or memorial addressed to the Senate, shall be received and read, a brief statement of the contents thereof shall be made by the member introducing the same.

16. At least one day's notice shall be given before a motion for leave to bring in a bill shall be in order.

17. Every bill shall be read three times before its passage; and the President shall give notice at each time whether it be the first, second or third reading; and no bill, after it has been read a second time, shall have a third reading before an adjournment.

18. All resolutions, which may require the signature of the Governor, shall be treated in the same manner as bills.

19. When a bill or resolution shall have been read a second time, the President shall refer it to the appropriate Standing Committee, unless the Senate shall otherwise order.

20. The Senate may resolve itself into a committee of the whole at any time, on motion made for that purpose; and in forming a committee of the whole, the President shall leave the chair, and appoint a chairman to preside in committee; the President may, at any time, name any member to perform the duties of the chair, but such substitution shall not extend beyond any adjournment.

21. The last question upon the second reading of a bill or resolution, shall always be, shall it be read a third time? and no amendment shall be received or discussed on the third reading of any bill or resolution, unless by consent of eight members present; but it shall at all times be in order before the final passage of a bill or resolution, to move its commitment, and should such commitment take place, and an amendment be reported, the bill or resolution shall again be read a second time and considered as in committee of the whole.

22. The titles of bills and such parts thereof as may be affected by proposed amendments shall be entered on the Journals.

23. All bills, resolutions and addresses, after passing the Senate, shall be signed by the President; and all warrants and other processes issued by order of the Senate, shall be under his hand and seal, attested by the Clerk.

24. The following standing committees, to consist of three members each, shall be appointed at the commencement of any session, with leave to report by bill or otherwise:

A committee on the Judiciary.

A committee on Incorporations.

A committee on Military Affairs.

A committee on Claims.

A committee on Agriculture and Manufactures.

A committee on Banks.

A committee on Elections.

A committee on Schools and seminaries of Learning.

A committee on Unfinished Business.

A committee on Printers' Accounts.

25. All committees shall be appointed by the President, unless a member requests that the appointment shall be by ballot, in which case it shall be so done.

26. When the Senate shall concur with the House of Representatives in the appointment of a joint committee, consisting of not more than five members of the House, one member shall be added

on the part of the Senate; but when more than five, two members of the Senate shall be added.

27. Messages shall be sent to the House of Representatives by the Clerk of the Senate.

28. Messages from the the Governor or House of Representatives may be received at all times, except when the Senate is engaged in putting a question, in calling the ayes and noes, or in counting ballots.

29. All questions shall be put by the President, and each member of the Senate shall signify his assent or dissent by answering aye or no.

30. No person except the members of the executive, or members of the House of Representatives and their officers, shall be admitted within the bar of the Senate, except by invitation of the President, or some member with his consent.

31. The Senate shall adjourn to meet at ten o'clock in the morning, and three o'clock in the afternoon of each day, unless the Senate shall otherwise order.

32. A motion to adjourn shall be decided without debate.

The foregoing rules having been read—

On motion of Mr Hunt—

Resolved, That they be adopted for the government of the Senate the present year.

A message from the House of Representatives by their Clerk:

“Mr. President—The House of Representatives have passed a resolution appointing Messrs. Stark, Carter, Jenness of Deerfield, Creighton, Farrington, Cragin, Huntington, Brackett, Melvin and Meserve of Jackson, with such as the Senate may join, a committee to wait upon the Hon. Isaac Hill and inform him of his election to the office of Governor the ensuing year, and that the Legislature are now ready to receive any communication he may be pleased to make; in which they ask the concurrence of the Senate.”

On motion of Mr. Berry—

Resolved, That the Senate concur with the House of Representatives in the passage of a resolution appointing a joint select committee to notify the Hon. Isaac Hill of his election as Governor.

Ordered, That Messrs. Parsons and Chase be joined to said committee on the part of the Senate.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Hunt—

The Senate adjourned.

AFTERNOON.

The President of the Senate, from his place, announced the appointment of the following

STANDING COMMITTEES:

On the Judiciary.

Messrs. Martin, Parsons and Berry.

On Incorporations.

Messrs. Hunt, Lamprey and Woodbury.

On Military Affairs.

Messrs. Berry, Fisk and Hunt.

On Claims.

Messrs. Chase, Jones and Blair.

On Agriculture and Manufactures.

Messrs. Blair, Berry and Jones.

On Banks.

Messrs. Lamprey, Woodbury and Egerton.

On Elections.

Messrs. Woodbury, Lamprey and Chase.

On Schools and Seminaries of Learning.

Messrs. Parsons, Martin and Egerton.

On Unfinished Business.

Messrs. Jones, Fisk and Blair.

On Printers' Accounts.

Messrs. Egerton, Hunt and Lamprey.

Mr. Hunt, from the joint select committee appointed to prepare

and report joint rules for the government of the two branches of the Legislature the present year, reported the following:—

JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

1. When a Convention of the two Houses is to be formed, whether by requirement of the constitution, or by a vote or resolve of the two Houses, a message shall be sent from the House of Representatives to the Senate, giving notice when the House will meet the Senate in Convention. As soon thereafter as the convenience of the Senate will permit, they will attend in the House. The Speaker of the House shall be Chairman of the Convention, and shall state the reason for forming the Convention. When the House and Senate are thus formed in Convention, the rules adopted as the rules of the House, shall be considered the rules of the Convention, so far as they may be deemed applicable, and the Convention shall accordingly be governed thereby.

2. Messages shall be sent by such person or persons as a sense of propriety, in each House, may determine to be proper.

3. When a Message shall be sent from either House to the other, it shall be announced at the door of the House to which it may be sent by the door keeper.

4. While bills are on their passage between the Houses, they shall be under the signature of the Clerk of each House respectively.

5. There shall be a committee for the purpose of engrossing bills, consisting of two members of each House. All bills that pass both Houses shall be delivered to said Committee, be by them engrossed, carefully examined and reported to the respective Houses; and shall be signed, first by the Speaker of the House of Representatives, then by the President of the Senate.

6. There shall be a committee to consist of three members of the House and one of the Senate, on each of the following subjects, to wit:

On all matters relative to the State Library, and on all matters relative to the State House and State House Yard.

7. When a bill or resolve which shall have passed in one House is rejected in the other, notice thereof shall be given to the House in which the same may have passed.

8. Each House shall transmit to the other, all papers, on which any bill or resolve shall be founded.

9. After each House shall have adhered to their disagreement, a bill or resolve shall be considered lost.

The foregoing rules having been read—

On motion of Mr. Martin—

Resolved, That they be adopted as the joint rules for the government of the two branches of the Legislature the present year.

Ordered, That the Clerk notify the House of Representatives accordingly, and request their concurrence.

Mr. Berry gave notice that he will to-morrow ask leave to introduce a bill entitled 'An act to incorporate the Bristol Manufacturing Company.'

A message from the House of Representatives by their Clerk.

"Mr. President—I am directed to inform the Senate that the House of Representatives have passed a resolution appointing Messrs. Ingalls, Norris and Garfield, with such as the Senate may join, a committee to audit the accounts of the Treasurer of this State and report thereon; in which they ask the concurrence of the Senate.

The House of Representatives concur with the Senate in adopting the Joint Rules, reported by the joint select committee, for the government of the two Houses the present year."

On motion of Mr. Blair—

Resolved, That the Senate concur with the House of Representatives in the passage of a resolution appointing a joint select committee to audit the Treasurer's accounts and report thereon.

Ordered, That Mr. Blair be joined to said committee on the part of the Senate.

Ordered, That the Clerk notify the House of Representatives accordingly.

The President of the Senate announced, from the Chair, the appointment of the following

JOINT STANDING COMMITTEES:

On Engrossed Bills.—Messrs. Parsons and Martin.

On the Library.—Mr Egerton.

On the State House and State House Yard.—Mr. Fisk.

Mr. Parsons, from the joint select committee appointed to wait on the Hon. Isaac Hill and inform him of his election as Governor of this State for the ensuing political year, reported that they had attended to the duty assigned them, and that the Governor elect

would meet the Legislature in the Representatives' Hall at half past five o'clock this afternoon.

A message was received from the House of Representatives by their Clerk, giving information that they were ready to meet the Senate in Convention and proceed in the elections.

On motion of Mr. Berry—

Resolved, That the Senate now meet the House of Representatives in Convention and proceed in the elections.

IN CONVENTION.

The Senate and House of Representatives being assembled in Convention in the Representatives' Hall, the Hon. Isaac Hill, Governor elect, came in, attended by the Hon. Council and the committee of both Houses, declared his acceptance of the office of Governor, and, in presence of both branches of the Legislature, took and subscribed the oath of allegiance and the oath of office; whereupon Hon. James Clark, President of the Senate, declared His Excellency Isaac Hill Governor of the State of New Hampshire for the ensuing political year, and presented him with a copy of the Constitution of this State, as a guide in the discharge of his official duties.

His Excellency the Governor, and the Honorable council then withdrew.

On motion of Mr. Berry—

The Convention rose and the Senate returned to their Chamber.

IN SENATE.

On motion of Mr. Berry—

The Senate adjourned.

FRIDAY, JUNE 3, 1836.

A message was received from the House of Representatives by their Clerk, giving information that they were ready to meet the Senate in Convention and proceed in the elections.

On motion of Mr. Martin—

Resolved, That the Senate now meet the House in Convention, for the purpose of proceeding in the elections.

IN CONVENTION.

The Senate and House of Representatives being assembled in

Convention, for the purpose of proceeding in the elections agreeably to the provisions of the Constitution:

Mr. Berry, from the joint select committee appointed to receive the returns of votes for Counsellors in the several Counsellor Districts in this State, and to compare and cast their numbers, made the following

REPORT:

In District No. 1, the whole number of votes legally returned, is

Necessary to a choice,	6,516
Estimated as scattering,	3,259
Daniel Conner has	370
Ezekiel Morrill has	447
and is elected.	5,699

In District No. 2, the whole number of votes legally returned, is

Necessary to a choice,	6,088
Estimated as scattering,	3,045
Hezekiah D. Buzzell has	656
Samuel Tilton has	1,162
and is elected.	4,270

In District No. 3, the whole number of votes legally returned, is

Necessary to a choice,	6,244
Estimated as scattering,	3,123
Benjamin Evans has	166
and is elected.	6,078

In District No. 4, the whole number of votes legally returned, is

Necessary to a choice,	6,656
Estimated as scattering,	3,329
Enos Stevens has	10
Jonathan Gove has	2,789
and is elected.	3,867

In District No. 5, the whole number of votes legally returned, is

Necessary to a choice,	5,487
Estimated as scattering,	2,744
John Page has	357
and is elected.	5,130

Your committee have included in their estimate in District No. 3 the returns of votes from the town of Hudson, being for Benja-

min Evans 126, and also from the town of Litchfield being for Benjamin Evans 52. They have also included in their estimate in District No 5, the return of votes from Holderness, being for John Page 126, notwithstanding they find the votes from those towns were not returned to the Secretary's office within the time prescribed by law. Yet your committee are of the opinion, that the neglect of the returning officer ought not to exclude these votes from the foregoing estimate. They also find no returns from the town of Eaton in District No. 2, and also from the town of Grafton in District No. 5.

On motion of Mr. Lamprey of the Senate—

Resolved, That the foregoing report be accepted.

On motion of Mr. Woodbury of the Senate—

The Convention rose and the Senate returned to their Chamber.

IN SENATE.

Mr. Hunt gave notice, that he will to-morrow ask leave to introduce a bill, entitled 'An act to incorporate certain persons by the name of the Proprietors of the Meeting House of the Second Baptist Society in Dunstable.'

The following message in writing was received from His Excellency the Governor, by Mr Metcalf, Secretary of State.

*Fellow Citizens of the Senate,
and House of Representatives—*

Happy will it be for the country if those precedents under the administration of the General Government shall be disregarded which have assumed for Congress powers that are not expressly conferred by the Constitution. The danger of this national government is, that it will assume to do too much; and the moment it turns aside from the path of its marked destination, its inefficiency and its inutility become manifest and striking. The world has been governed too much; and the evils of all administrations are, not that they do too little, but that they fail to do well many things that they attempt, and had better leave untouched.

The powers of the Congress of the United States are confined to certain specified objects; and these objects are too plainly described to be mistaken. The powers not delegated to Congress are reserved to the several States; and the Senators and Representatives constituting the several State Legislatures are they alone who are invested with discretionary power under the State Constitutions. A higher or more responsible trust can scarcely be nam-

ed than that of a member in either branch of a State legislature. He acts for the people, and is clothed with powers more extensive than those of Senator or Representative in the Congress of the United States.

As your position, fellow citizens, is more important, so it should be the pride of New-Hampshire, humble though she may be as to the extent of her limits and her wealth, that the business of her Legislature has in general been conducted with a better regard to the welfare of her whole people, with a better knowledge of subjects to be acted upon, with far less contention in respect to local or sectional interests, than has been the business of the Legislature of the Union. A prominent fault of the legislation of Congress is, that either branch consists of an undue proportion of men of a single profession, many of whom are talkers and not doers—men who either delight in hearing themselves, or suppose they delight others in being heard, or else who speak that they may be heard or read elsewhere. Another prominent evil is, that the sentiment and the voice of the people at home are not heard, or if they are heard they are slighted and contemned. In some instances the fault has been that men have been sent too long to Congress; that when once elected, they have considered it a matter of course that they should be re-elected. In the office of member of Congress, as in most other elective offices not merely clerical, I consider rotation or change to be of the highest advantage to the people. Their interests are more carefully guarded by the new, than by the long-elected legislator; and if the former have not so thorough a knowledge of the details of business, he is almost sure to make up for the deficiency by a more vigilant attention to every duty, and by more faithfully reflecting back in his acts the wishes and opinions of those who elected him. The Senate of the United States, elected as its members are for a term of six years, and putting at defiance as some of its members have done, the instructions of the body which elects them, I consider to be a blemish in the Constitution. If the practice were to elect no man to that body beyond a single continuous term of six years, my belief is, that many of the evils to be dreaded from misrepresentation of the public voice, and disregard to public interest, would be avoided. When men act without reference to their own continuance in office, they leave off the demagogue and attempt no imposition upon the people; when men strive for a re-election beyond a reason-

able term, to obtain their object they are often tempted to practice what they may wish to consider an innocent deception. The man who considers it a matter of course that he is to be a candidate for re-election so long as he shall fail to offend his prominent political friends in his state or district, will be more strongly tempted to act the demagogue in relation to the men on whom he throws his dependence, than to consult the great interests of his country, and through those general interests, the particular interests of his constituents. His popularity at home, the temporary popularity which may answer his present purpose, can be more easily gained by procuring for his State or local section some appropriation from the Treasury, or some other especial favor, either from Congress or from the Executive, than by pursuing the purposes of general legislation, favoring the interests of his own constituents as it does those of the whole country. It is perhaps to the course members of the Senate or House of Representatives deem it expedient to pursue to assure a re-election, that much of the partial legislation of Congress is to be attributed. This partial legislation, it will be admitted, has been injurious to the general prosperity: it has led to high taxation, and to extravagance and waste in the expenditure of the public money; and it has become but too apparent that much of this partial legislation has had for its object rather the procuring of money to be expended than the certain useful application of it when it was procured.

The proceedings of Congress, of late years, have been tiresome and vexatious to such as have participated in them who have been really anxious to do their duty. There have been too many ulterior views, too much of electioneering, interlarded in those proceedings; a strong desire to operate on the public mind, either by alarming the fears or raising the hopes of portions of the community seems to have been the impelling motive for this digression from duty. Day after day, and week after week, and even month after month, have been consumed to the exclusion of all useful legislation, and to the embarrassment of the public interests, where the obvious intent has been to operate for evil upon the mercenary feelings of the least patriotic portion of the people. If a stop may not be put to this course of proceedings, little salutary business can be expected from the Legislature of the Nation, whose province it is to watch over and direct the operations of government in its most vital and essential points. Nothing will arrest the evils refer-

red to, but the strong voice of public sentiment, often expressed, and reiterated until it shall be felt. The Legislatures of the several States, electing the Senators of the United States, are their immediate constituents, and to those legislatures are the Senators directly responsible. That these Senators shall not long embarrass the public will as expressed through the co-ordinate branch and the Executive who are more frequently elected—that they shall not, from one term of Congress to another, throw impediments in the way of the government—it is all important that the doctrine of instruction shall be enforced. I consider resistance to that doctrine by Senators to be a high usurpation of power, scarcely more justifiable than the usurpation of the tyrant who puts down the voice of the people by force. When instructed by the State Legislature, it is the duty of the Senator to obey or resign: when instructed by an undisputed majority of the people who elected him, it is likewise the duty of the Representative to obey or resign. More glaring is the turpitude of the Senator who disobeys in proportion as his term of office is longer. When the doctrine of instruction shall be universally conceded, as conceded it must sooner or later be, and when the constituency, whether of Senators, in the several State legislatures, or of Representatives, in the people, shall frequently resort to instructions, keeping themselves within the pale of the Constitution as to the measures recommended, then may we anticipate that not only most of the evils which we have witnessed in the last half a dozen years of the legislation of Congress will be remedied, but that improvements will be made which shall assure the safe and responsible action of the Congress of the United States.

The stand taken by the State of New-Hampshire against that abuse of our Constitution which has crept into the legislation of Congress authorizing appropriations from the national Treasury of money for local internal improvements, has done her great credit. I hope the time is not far distant when this abuse will be repudiated by every State in the Union. Other States, as such, have entered extensively into improvements of roads, bridges, and canals. We may instance as most prominent in these works the great States of New-York and Pennsylvania. New-Hampshire as a State has never entered upon them. It may be appropriate on this occasion to call your attention to this subject. There can be no danger in making any work a State work which shall ultimately pay for itself, and

at the same time afford facilities and benefits to the public interests. The grand Erie Canal of the State of New-York will in a few years discharge its own debt, at the same time it has to an almost incredible amount raised the value of property by lessening the price and facilitating the means of transportation, thus bringing distant points of easy access to a market. If all works of improvement were like this, there could be no possible danger in a State undertaking them as well in its central as in its more remote points. But such is not the assurance which these works as a general rule present. Scarcely one in ten of them will be expected to pay for itself; and to tax the great body of the people for their construction and support, as well those who are not, as those who are immediately benefitted by them, would be partial and unjust.

It is well for the State of New-Hampshire that, as a State, she has never entered upon these works of internal improvement. Enterprising as her population is, she has been outdone, in proportion to her means, by no State in the Union. The municipal regulations of our towns have every where bridged our smaller streams and constructed roads in the settled and travelled parts: over the larger streams and through sections where town corporations were unable to make and keep in repair highways, turnpikes and bridges have been constructed by private enterprize. Future improvements of railroads and canals may be safely left to the same private enterprize, which will always seek investments where investments can be useful. If the State shall enter upon none of them, if it shall subscribe for no stock in canals or railroads, not far behind in actual improvements shall we be those States whose legislatures have undertaken of themselves to carry on these improvements and burdened themselves with debts. I may be permitted to say, that it will be unjust to the people to undertake as a State the work of internal improvements. If the State shall create a debt for that purpose, and the interest of that debt is to be defrayed by an indiscriminate direct tax upon all the people, the tax must be unjust, because the benefits for which it is laid will be unequal. It cannot surely enter into the heart of any public man here to commence a work of internal improvement on the faith and credit of the State, where ample provision shall not be made for the means of carrying it on without a general tax, or where at least ways and means shall not first be provided for discharging the interest

upon the amount of expenditure, until the expenditure shall pay for itself.

The experience of more than half a century will teach us, that the administration of government which is brought nearest the observation and control of the people is most salutary and effective. The operations of the great central machine, the general government, being further removed from the people, are not only more dilatory and inefficient, but they are more expensive, than our State or more inferior municipal regulations. This proposition, if it be conceded, establishes the propriety of leaving to that central government as little to be performed as the most strict and literal construction of the Constitution will warrant. At the central point, from whence emanate the movements of the general administration, it is remarkable to witness the facility with which doctrines deemed essential to the pure administration of a republican government are reversed. Increased offices, raised salaries, liberal expenditures, generous allowances, are the order of the day; no man can be popular within the ten miles square, no man can be popular with men of all parties, as a member of either branch of Congress, who sets his face against these. And yet it is a mortifying reflection, that much in the proportion as offices are multiplied is the responsibility divided, and the due execution of the public business neglected—much in the proportion that salaries are raised do the personal services of the incumbent become more inefficient—much in proportion as the expenditure becomes increased, does the matter to be accomplished linger in its execution.

There are few instances of more economical administration than that of our State government. The salaries of our officers, Executive, Legislative, and Judicial, are the subject of derision to some men who seemingly live to expend, more than to earn their salaries. The salaries of the higher officers in a single subordinate establishment near our principal seaport, exceed in amount the whole compensation of our State Civil List, with the exception of the two branches of the Legislature. High as was the compensation of the officers of that establishment, and a large portion of them performing little or no duty in time of peace, an act of Congress, of the year 1835, passed at the heel of the session, and forced through one branch without the exhibition of a reason for the act by its advocates, raised it still higher from twenty to fifty per cent. By

this last act the mere boy in the navy is paid as high, in some instances, as the judges of your highest State court; and the pernicious temptation is presented of importunate personal application for raised pay to every other salary officer, military or civil, under the general government.

It should be a matter of pride to our State that the pay to her officers has always been moderate: there can be no danger in keeping it moderate so long as men of adequate capacity to fill public stations are ready and willing to perform their duty in those stations. We have few elective State offices that cannot be taken up and laid down without sacrifice—few that can be said much to interrupt the ordinary occupations of the incumbents. Where such occupations are entirely interrupted, the compensation in all cases should be sufficient for a decent livelihood to the holder of office; and where the whole personal service of the officer is required, he ought to receive equal at least to what he may earn in any other private pursuit. Low as have been salaries under the State Government of New-Hampshire, it is believed that in no part of the United States where higher salaries have existed, can an equal number of officers be presented whose pecuniary condition has been so uniformly improved as in that of the officers holding commissions under this State.

I have said the administration nearest the people is the best. To this proposition I may add, the revenue derived from direct taxation on the people is more economically and more-usefully applied than that raised by indirect taxation. The difference between the State and National administrations may illustrate these positions. The benefits derived from our State and local administrations far transcend those of the general government; yet the expense of the former, from the highest to the lowest, including the support of the Legislature and the judiciary, of our admirable system of common schools, our public highways and bridges, our internal police, our various municipal officers, and our destitute poor, are believed not to equal in amount the proportion which this State pays, and will continue to pay under the present system of impost into the national Treasury. It is true, the people feel the direct burden under the State and municipal regulations, because it is assessed in a manner that obliges them to count it when they pay it. They do not as directly realize what goes into the coffers of the nation, because it is included in from twenty to

one hundred per cent. of the prices of many articles which they put on for wear or consume for sustenance.

Most unfortunate has it been for the country that an already high tariff of duties had been increased under the idea of protection to those very interests which a high tariff has more than any other cause contributed to injure. Prejudice and party have, however, been partially conquered within the last six years; the duties of many articles have been reduced—on others abolished. If the farmer of New-England has his hundred dollars in hand where ten years ago he was a hundred in debt, he may account for a portion of the gain in the lessened tax he has paid on the dutiable articles which have been consumed in his family, and in the lessened profits paid to the merchant from the repeal of those duties. The Public debt paid, the tariff still stands too high. If that be further reduced—if the national expenditure be economized as it ought to be—if the operation of the national government be confined to its legitimate action under the Constitution—we will yet present the case of the most intelligent and happy people under the cheapest and most efficient government on earth. It is worthy of attention that the benefits which have flowed from reductions of impost duties during the last six years have not produced a general conviction that further reductions will have a salutary effect. No manufacturing or producing interest has been injured by these reductions; on the contrary, these have derived their full proportion of benefit from reduction, cheapening consumption to each interest concerned in them equal to that of those engaged in other pursuits. Yet we see the Committee on Manufactures in the Senate of the United States, a few weeks since, reporting against a reduction of the duty on foreign coal—an article indispensable to the poor as well as the rich—when it is an admitted fact that the producers of American coal have been unable to supply the domestic demand, so that considerable quantites of foreign coal, from necessity, are brought in, paying a severe duty. If the money is not required for the purposes of government, the poor ought not to be taxed for the benefit of that capital which monopolizes the production of coal.

In the administration of justice between man and man, in the collection of debts, and in the redress of invaded rights of person and property, there is danger as well of changes by legislation as in practices being permitted to grow up which set

aside or usurp the place of law. By our excellent Bill of Rights the citizen is entitled to a certain remedy for injury by a recourse to law—"to obtain right and justice fairly without being obliged to purchase it; completely and without any denial; promptly and without delay." Whatever, in the judicial administration of the laws, tends to encroach upon the rights of the citizen in any of these particulars, will be promptly remedied by wise and patriotic legislators. Systems of jurisprudence can be perfected only by experience. A passion for frequent changes but too often aggravates the evils it would remedy. What is tolerable should not be altered until the benefits of a change shall be demonstrated to near a moral certainty: whatever is unbearable must be changed; but whether the knife shall cut off, or soothing emollients be applied to the diseased part, experience and much reflection must come in to suggest the true remedy.

My own experience in courts of law has not been such as to qualify me for recommending definite changes in the administration of justice. Whether the "law's delay," which has sometimes appeared to me to be a serious evil; whether the practice of instituting vexatious and ruinous suits—of compelling a party on frivolous pretences to come into court year after year, and ultimately pay in time and accumulated expenses what would be considered enormous as a fine for a real offence; whether the practice of compelling the innocent on an intangible alleged offence to suffer in such a protracted issue more than a guilty man whose offence is so apparent as to produce a conviction at the first blush;—whether these evils, of which some of the citizens under the civil jurisdiction of this State have had cause to complain, can be reached by present legislation, you, gentlemen, will determine. If it shall be difficult to suggest a legislative remedy, public opinion will discountenance the injustice; and if the fault be beyond that side which originates the case—if it extend to those who administer justice for the people, sooner or later must an enlightened public sentiment administer the corrective.

The value of our civil institutions cannot be too highly appreciated. Our admirable system of probate laws, by which the interests of the widow and the orphan are protected—by which fraud and oppression are detected and prevented—is administered almost without expense to those for whose benefit they are intended, and with a trifling tax upon the people.

Those laws, perfected some years since by the united efforts of two gentlemen who had been conversant with probate administration, and for which service the State will owe them a debt of gratitude, probably could not be much altered for the better. I allude to them rather that the Legislature and the people should place a proper estimate upon their value, than to suggest any change.

The administration nearest to the people is that involving the regulations of our several towns. That administration is more felt than any other, because it comes more directly home to our business and bosoms. Less expensive in proportion to what is done, our town and municipal regulations are more important than all others. These provide schools for the universal instruction of our children, so that the instance is rare in our community in which the adult male or female cannot read and write ; and in some instances the persons attaining to the highest eminence in office if not in usefullness, have received their entire education at these town schools. These regulations embrace also the care and expense of the public highways and bridges, the recent improvements in which furnish a strong inducement to citizens of other states with a more desirable soil and climate, but without our cheap public conveniences, to take up their abode with us. Cases occur of towns taxing themselves in a single year for the building of permanent granite bridges over considerable streams at an expense scarcely exceeding one in ten what similar works have cost in those States where internal improvements have been carried on by the General Government ; and it is worthy of notice, that the durability of the least expensive improvement is generally as much greater than the other as the cost is less. These regulations further provide a system of police, securing the humblest citizen protection, as well abroad as at his own fireside, from unlawful intrusions. They also provide for the helpless and infirm poor, giving them that comfortable support, which, saving the natural aversion to poverty, leaves them scarcely less of enjoyment than is possessed by the affluent. Under our poor laws virtuous poverty brings no disgrace ; but that poverty which results from intemperance and other kindred vices, finds its punishment in being deprived of the means of ministering to a depraved appetite. It is not to be presumed that any considerable changes are needed in the laws regulating towns. Such changes as may be suggested by the experience and knowl-

edge of practical men like yourselves may be adopted ; but extreme caution cannot be too often suggested to wise and prudent legislators when moving to make even slight changes in whatever regulations have in the main proved to be salutary and useful.

There is no subject more deserving the vigilant attention of legislators, both State and National, from its intimate connexion with the prosperity of the country, than the currency or circulating medium. Yet this is a matter seemingly more sported with by unsteady legislation, than any other. Money should be the measure or standard of value: and whatever tends suddenly to raise or depress that value is no less injurious than would be the sudden alteration of weights and measures. The fluctuations in the currency, and the consequent revulsions in trade, are becoming more and more the object of alarm to the community. The evils of a depreciated paper currency during and subsequent to the war of the Revolution, were severely felt. As a consequence of those evils, it was prohibited to the States to coin money, and power alone to coin it as the standard of currency was given to the Congress of the United States. It was obviously the intention of the framers of the Constitution, by thus investing Congress with the exclusive power to coin money, to preclude the possibility of a depreciated paper currency. Yet the nation has been fated at different times not only to encounter a depreciated, and sometimes a worthless circulating paper medium, but to feel all the miseries attending gradual expansion and sudden contractions in trade and business. Looking back to the history of the trade and commerce of the country, some of the greatest revulsions may be traced to distinct and peculiar causes. The Bank of the United States, dating a renewed existence at the year 1816, has been the great moving machine in all matters of money. As this bank has done, so have followed in its train all the State Banks. If that bank had increased or contracted its discounts, so the small banks from necessity have followed. When from July 1817, to February 1818, the Bank of the United States expanded its discounts and its circulation from four millions to forty-two millions of dollars, and in less than half a year afterwards contracted those issues nineteen millions of dollars, a revulsion in trade and ruin to thousands were but a natural consequence.— The same state of things occurred about the year 1825, when the great bank acted again the same part, and when the trade and

speculations which it tempted, by its paper issues were again followed by wide spread ruin. During the last six years the contractions and expansions in paper issues by the Bank, which have been repeated whenever it was its interest to raise or depress the price of property, are without precedent in the history of trade in any nation of the habitable globe. Can we forget the distress with which the commercial community was involved in the year 1834, by the sudden calling in of some fifteen millions of dollars by this bank on the plea that it was about to close its business, obliging the state banks, for their own security and as a matter of necessity, at the same time to make a call for even a larger amount? And who, as a striking contrast to this, will ever forget that the same bank in the space of about one year afterwards, again extended its loans and its paper circulation to the amount of from twenty to thirty millions of dollars, and now again is contracting its debt at the same time it is speculating by renewing paper issues after its charter has expired? At these several times, the State Banks, either from choice or necessity, or both, have expanded and contracted as the great bank expanded or contracted.

It is a received opinion with some, that banks and banking capital may be increased to any point without injury to the community. If it were considered the proper and exclusive business of banks, to accommodate the exchanges between the different points of trade, and to loan their capital, so many of them as are necessary for these purposes might be useful; but the business of manufacturing paper, more than equivalent to coining money by the banks, is at the best a tax upon the people among whom it circulates. The paper circulated by any bank beyond its capital in specie is usury over and above the legal interest on such capital. The expenses of the bank paid by the substitution of paper issues for money, as well as all additional profits from such issues, are taxes assessed directly on the borrowers, and those among whom the paper circulates.

But I would more particularly direct your attention to the present system of banking, by which the use of specie either in the vaults of the banks or among the people is almost entirely superseded. These may be laid down as axioms: that where there is no specie to represent paper, there is no safety in that paper; that money is plenty or scarce as banks issue or cease to issue; that sudden changes of issues or contraction produce immense revolutions in property: and that banks issuing or contracting their paper, acting in concert either for speculation or political effect, may create panics, stop the wheels of business, and even threaten revolution with impunity. It is too much that banks, conducted by private and ir-

responsible individuals, should wield such a power as that of contracting or expanding the currency at will; it is a power which ought to be regulated and wielded only by the law of the land. Such a power, directed even by good men restrained only by motives of personal interest, where no specie foundation exists, may be oppressive—in the hands of bad men, it must be intolerable.

An idea prevails among commercial men of some of the States, that more banking capital is wanted; and the increase of nominal or real banking capital in a portion of the States, has been carried to an alarming extent. I hope not to see the banking capital of this State, much if at all, increased. If more money be wanted for use than the present banks can furnish, new banks can no better supply the want, than can private individuals who possess capital; for it is the nature of money to go where business will give it a profitable investment. Deleterious indeed will be the effect of an increase of the banking capital where such capital cannot be profitably used.—Such increase, furnishing the means of over-trading and temptations to speculation, the community will be preyed upon by that rapacity which seeks for the thirst by illegitimate, where it is unable to obtain it by fair means.

The great failing in the present circulating medium is the want of a substantial foundation at the bottom of trade and business. The extended paper currency has evidently had the effect of lessening the value of money, and the tendency must still be downward. The banks do more than usurp the power to coin money, which was exclusively vested in the Congress of the United States, because they create a currency which is intrinsically of no value, and which fluctuates with every vibration of trade, while Congress legitimately can create only such a currency as will carry a real, equal to its nominal value. If it be contended that a paper dollar representing a gold or silver dollar in the vault of the bank near which it circulates, answers all the purposes of gold or silver; this may be true, provided that for every paper dollar in circulation there is a metallic dollar ready to redeem it; but when, as is the fact, it is ascertained and known that there is not one specie dollar in bank for every ten paper dollars in circulation, whatever may be the banking capital in use, it must be evident that the great mass of circulating medium used in the way of business is founded on credit, and not on capital. This credit will answer the purpose of substantial capital until it shall suit the interest or the caprice of those who manage banks to make money scarce as it has been plenty, or until over trading on paper credit merely, shall have blown up the bubble to bursting.—If gold and silver could be substituted for paper, or even if one half of the ordinary circulation could be a metallic instead of a paper currency, it would be beyond the power of the directors of the banks to control the currency, to make money plenty or scarce at pleas-

ure; for when the vibrations of trade should call for specie to be transported or exported, specie would be at hand to answer the call, and more would come in to supply its place as more should be needed. It is an admitted fact in trade, that specie will always come into the country as any other article of commerce, when a demand for it shall increase its value. Where there is more than one circulating medium, that of the lesser value will crowd out the other of greater value; and hence specie cannot circulate where paper of the same denomination circulates. It has been ascertained that in France, where a disastrous lesson of paper credit nearly prostrating that nation during the revolution which first expelled the Bourbons, had forced her back to a specie currency, and where no paper note is allowed to circulate of a less denomination than five hundred francs, (about ninety-three dollars) that the restrictions upon paper credit have operated powerfully against over trading; that the metallic currency in that country is seldom if ever drained; that failures in business are few, and that the medium of circulation preserves an almost exact uniformity. Profiting by such an example what is the duty of American legislators? Can they do the country a better service than to restore the circulating medium of the Constitution—than by taking every practicable step to introduce specie? There can be no doubt, if the lower denominations of bank notes shall be inhibited, metallic currency will come in to supply their place. Hard money once introduced, the business of banking may assume a somewhat different shape, not it is believed, to the ultimate disadvantage of real capital, whether invested in banks or elsewhere; for by so much as a solid circulating medium contributes to the stability of business and trade, so may the man of capital ensure his profits as his confidence is more sure. The legislator will deserve the thanks of the whole community who lends his efforts to do away that circulating paper credit, which is the prolific source of panic and pressure; and the State, isolated from others adopting similar measures, and surrounded even though it be by other States that continue the paper system, which takes its stand in favor of hard money, will do its people a service that must give a new impetus to their prosperity.

Among the topics which are agitating the public mind the subject of servitude of the African race has been prominent. We must take things as they are—not as we would have them to be.—That slavery has been introduced in a portion of this country, is the misfortune, not the fault of, the present generation. The whites found the colored race unaccustomed to take charge of their own conduct, and fit only for servitude. Whoever has witnessed, in any slaveholding community, the relations usually existing between the master and slave, views this matter in quite a different light from what is the general impression in a country where there are no two

racess of human beings standing in those relations. If the black is made inferior and subservient to the white man, it ought not to be considered as of necessity that the one is miserable and the other cruel—that the slave is beyond others of his race abject and degraded, and the master supercilious and overbearing. There are mutual relations existing between the master and his slave which often endear one to the other; and probably in all those States where manual labor is performed by slaves, there exist not less affection and kindness between the employers and the employed than in those States where Slavery is not tolerated. So far as my knowledge extends—and I am informed the feeling prevails through the whole south—it is considered disreputable for the master to maltreat his slave—as much or more so as it is in New-England for the master to abuse his apprentice, or for any employer to impose hardships on those whom he has in charge. And it is a general sentiment among the colored people themselves, that the slave who has a kind master stands in a caste higher than the black or colored person who is free and obliged to provide for and take care of him or herself. Certain it is that the moral condition of the great body of the slaves is far better than that of the free people of color in the slaveholding States, and indeed better than that of the free people of color in the slaveholding States, and indeed better than that of the same race where they exist in numbers in the free States.

The sages who framed the constitution of the United States, found slavery existing in a portion of the States: the country had grown up under slave-labor—slavery was among those fixed habits of the people, which it was not the part if it had been in the power of the government to eradicate. They wisely framed that instrument with the intent that it should not be in the power of the people in one section of the country to interfere in the domestic relations of another section of the country. Could it be supposed that the free population of the south would for a moment have consented to argue the question with the inhabitants of the north whether they should yield to the prospective, much less to the immediate emancipation of their slaves? The Constitution was the result of a voluntary mutual compromise. Will it be contended that the Southern States ever consented to give up to any other power on earth the control over their slaves? As well might it be alleged that the free white inhabitants of the south voluntarily consented to place themselves in the condition of their slaves—as well may it be assumed that the man of wealth would voluntarily change conditions with the abject and the dependent.

The obligation of the whole country is to protect the rights which the slaveholder has in the slave; the allegiance which the citizen owes to that country forbids his interference to disturb the relations existing between the master and the slave.

Many of those in the free states who inconsiderately lend their names and their influence for the promotion of a cause which wears the aspect of benevolence, are not probably aware that the effect of their exertions has been precisely the reverse of their intentions;—they are not aware that the publications which have enlisted their own feelings in this cause, sent among the slave population, operate as fire brands applied to a magazine of gunpowder; that if they do not excite the slave to murder the innocent family of his master, they produce that distrust between master and slave which, destroying confidence, creates a settled and permanent hostility. It is not to be wondered that the master should feel obliged to deny the slave the means of instruction, when he knows that teaching him to read and write will increase his ability and his inclination to do his master injury.

It is the opinion of philanthropic statesmen who are the owners of slaves, and who really are not less anxious to mitigate or to do away the evils of slavery than the most zealous and conscientious abolitionist of the North can be, that the mistaken zeal which has for the last two years been manifested on this subject—which has collected funds, established presses and concentrated efforts to further the cause of immediate abolition—has retarded the progress of emancipation probably half a century. In several of the middle States the Legislatures were moving for the purpose of gradual emancipation. The benevolent work has been arrested by the reaction which the imprudent efforts of those living without the limits of the slaveholding region have thrown upon it. This fact, freely avowed by the slave holders who had taken or were anxious to take measures gradually and safely to manumit their slaves, should induce such persons as extend their inquiries no further than the abstract proposition that slavery is an evil, to reflect on the consequences of extending charity, more needed nearer home, to objects where its application is ill-timed and serves to increase the evils it would effect to remedy.

The existence of slavery, admitted on all hands to be an evil, is not more the fault of the free whites in the slaveholding region than of the whites in the free States. The races of white

and black are there; and any sudden change of the relative condition of the two sorts of people must break up the very foundations of society. The inhabitants of the States where slavery does not exist have no greater moral right to interfere for the purpose of bringing about such a change, than have the inhabitants of the slave States to interfere in the relations subsisting between masters and their apprentices, or with the tenure by which property is held in the free States. Nay, there is a much more potent and conclusive reason for non-interference in the former than in the latter case—because the relations on the one hand may be trenched upon without endangering life, while on the other it will be impossible to teach the blacks not only that they owe no servitude to the whites but that they are their equals, and not inculcate that they are justified in resisting unto blood the state of things which has placed them in a dependent condition.

Such in my estimation, is the obligation of the free States to the co-States where slavery exists, that it is the duty of their Legislatures to interfere in the prevention of all attempts having in view the intention to excite revolt among the present servile race, whenever such interference can be exercised without invading the rights of our own citizens. When flagrant acts, calculated to incite the colored slave race of any portion of the country to rise upon the free white race, shall be tangible, it will be the duty of the Legislature to interpose a remedy as far as it may be authorized by the great principles of the constitutional charts under which we live, taking care that in our efforts to protect others, we do not invade the natural and unalienable rights of our own citizens.

Thus far the view I have taken of the agitating subject of the emancipation of slaves in the United States has reference to the rights of the citizens of this Union in slave property, and the claim which they have to protection in those rights. The worst evil lies not here. That evil is the jealousy and distrust which result from the continued agitation of this subject.—That man who has been emphatically styled “first in war, first in peace and first in the hearts of his countrymen, has warned us against characterizing parties by geographical discriminations—*Northern and Southern, Atlantic and Western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views: he has charged us to “indignantly frown upon the first dawning of every attempt to

alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts;" and as the unerring mark of unprincipled men he has taught us "to distrust the patriotism of those, who, in any quarter, may endeavor to weaken the bands" of our Union. There is no division of parties so dangerous, none that can exercise so deleterious an influence on the action of Government, as parties characterized by sectional divisions; yet there is no possible subject of local popular excitement that will not be laid hold of by men whose personal ambition reaches beyond the public welfare.

The whole North was agitated for years on this very subject of slavery—on the abortive attempt to force Congress to regulate slavery on the question of the admission of one of the youngest States of this confederacy. It is worth while to look back upon the general excitement raised nearly twenty years ago by "artful and designing men" who succeeded for a time in substituting a "geographical discrimination" of parties for a division which had been much less deleterious. That excitement for a time answered the purpose of the few who had raised it—It defeated the voice of the great body of the people acting as a whole—It raised men to office with principles and professions which never could and never ought to receive the general sanction—it introduced those loose practices into the administration of the general government, which are but too often cited as precedents, and which virtue and intelligence alone can eradicate. The Missouri excitement, as it had been called, was fruitful of evil to the country: the question itself was settled by the interference of some who had participated in raising it; but the consequences have long remained, and can scarcely yet be said to be obliterated. It is to be feared the attempt that is now making to blow into a flame an excitement on the subject of negro emancipation, however hundreds and perhaps thousands may engage in the work from benevolent motives, is the work of "designing men" who wish to substitute a Northern as opposed to a Southern party, in the place of that more salutary division of parties opposed to, or in favor of the great principles on which our institutions are based; and that the machinery which is brought to bear both in the North and in the South is moved by men whose patriotism we ought to distrust; by men who on the one hand, are neither prompted by the disinterested benevolence they profess, nor,

on the other are moved to action by those fears with which they would inspire others. Moved for such purposes, I trust the intelligent, the reflecting and virtuous, in the States where slavery does not exist, will discountenance those misplaced efforts which not only make the condition of the unfortunate servile race worse, but which create a false issue between political parties calculated to subvert the integrity and the value of the Union itself.

A fact worthy the attention of people residing in that part of the country where slavery does not exist is, that not one in a thousand even of those benevolent persons who view slavery in the abstract as one of the greatest moral evils, and who would go all lengths in the work of emancipation, after they have resided for a term of months or years in the country where this servitude exists, who does not entirely change his views as to the utility or practicability of immediate emancipation. Conventions of clergymen of a most respectable religious sect in the slave region unanimously pass votes condemning the discreet zeal of abolitionists, while clergymen of the same denomination in the region where there is no slavery, carry their abolition zeal to the extent of excluding from Christian communion the owners of slaves. It would really seem that when we combat an evil, if we would do it efficaciously, our duty would lead us to labor where we could have the greatest positive effect. If we would eradicate slavery by our personal efforts, we should go where it exists: argument is worse than misapplied when spent on those who have of right nothing to do with the subject of the argument.

The evils of slavery, since the revolution, which severed the States from Great Britain, have been greatly mitigated. By the consent of the slaveholding States, the foreign traffic in slaves has been abolished. The domestic traffic—the traffic in slaves between the middle and Southern States, as it has been carried on, is generally disapproved. The humane every where, as well in the South as in the North would put a stop to it. But the misguided zeal of the immediate abolitionists has had the effect of preventing the legislatures of several slaveholding States from moving on this subject, as the same efforts have closed the schools of instruction which humane masters had opened to their slaves.

As the constitution of the United States has prescribed certain and definite limits for the action of the general govern-

ment, leaving the reserved rights to the States, so have the several States limited the action of their respective legislatures as well by expressed as by implied rules. The powers of the State Legislature, correctly defined, admit of no grants which go to create injurious monopolies under charters of incorporation. On principles of natural justice a legislature can have no power to grant away the rights of posterity even for a present equivalent: in other words a legislature has no legitimate right to make a perpetual grant of exclusive power to build a bridge or construct a road, with the privilege of taxing tolls, forever excluding other individuals or the public, when the general good shall require it, from erecting or constructing bridges or roads in the same direction, with or without the right of tolls. As charters sometimes give privileges to associations of persons which one person alone has not the right to exercise without a charter, so ought it to be a rule that any subsequent legislature, for good cause, and with suitable compensation for injury, shall have power to modify, repeal or declare void, every such charter. In all the corporate acts of the last year a special clause was inserted (if I do not mistake) by which the right to future legislatures was retained so to modify, repeal or declare void. If all acts hereafter passed shall be subject to the same conditions, scarcely less will the interests of the corporators than of the public be benefited; for the history of legislation in this country could not probably point to the case of any legislature, by a positive enactment, doing injustice to a person or company whose interests were brought in collision with those of the public; especially where either custom or law had previously defined the respective relations or interests of the parties.

Among the distinguishing features of the march of civilization has been the continued mitigation of punishment for offences.— Our own excellent Bill of Rights enforces the maxim that “the true design of all punishments is to reform, not to exterminate mankind.” The policy of the laws of this, as well as of other States of this Union, has been much changed within the last thirty years: the whipping post, the pillory, and the stocks, for secondary and minor offences, have been entirely superseded; and it is believed the experience of our aged citizens will testify to the truth of the proposition, that criminal offences have lessened in proportion as criminal punishments have been made less severe; and that the true remedy for crime is the

certainty, rather than the severity of punishment. Whether this policy can or cannot be further extended, the collected sense of the State, frequently agitating and discussing the question, will in due time decide.

In a similar connection may be mentioned imprisonment for debt. Inability to pay is a man's misfortune, and not always his fault; and I can conceive of no subject in a civilized country more revolting than the incarceration of an honest man for the reason that he is unable to discharge a responsibility necessity has obliged him to incur. It would hardly be imagined that imprisonment effected either the collection or the security of debt—it may sometimes enable the cruel and the merciless to extort from the generosity of the humane and the benevolent; but no honest man of himself sooner discharges a just debt from the consideration that he must go to jail in default of payment. In those countries where the practice of incarceration for debt is repudiated, or never existed, it is believed to be a historical truth, that confidence between man and man is greatest, and obligations of debt most sacred and most sure of performance.

In this and some other States, attachment and distress of property before trial or judgment, as it is frequently practised, is scarcely less revolting to humanity than imprisonment for debt. The merciless creditor in this case generally obtains the advantage of the humane creditor; for while the one pounces upon his prey regardless of the suffering and anguish he may create, the other is deterred from the act and suffers the insufficient property to go for the payment of the least deserving debt. It is sometimes the case that persons of the first class will watch for property to pass on credit from those of the other class, into the hands of those who may owe them, and seize on it to secure themselves, at a great sacrifice of the property, to other creditors, and to the debtor. Persons who are really worth property, being in debt, are sacrificed entirely by having their goods and chattels seized upon and sold under the hammer for less than it is worth. Instances are known where the individual is ruined by having his property seized on a debt merely fictitious. If a system could be devised by which, in cases of acknowledged inability to discharge obligations of debt property could be held in safety for the equal benefit of all creditors, it is believed that the temptations of greedy creditors to oppress would be lessened, and the practice of unjust attachment become less frequent.

The constitution of the State makes it the duty of the legislators and magistrates "to cherish the interest of literature and the sciences, and all seminaries and public schools; to encourage public and private institutions, rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity and sobriety, and all social affections, and generous sentiments among the people." These precepts of the constitution may be considered rather as recommendatory and monitory, than as containing any positive grant of power to do what may effect the several objects; for if "legislators" might be clothed with such power, "magistrates" from the nature of their duties as such, could have no positive power. The intention evidently is, that legislators and magistrates, in the discharge of their respective duties, should have in view the furtherance of the several interests recommended.— Legislators may indeed be supposed to have power over these subjects so far as the exercise of it, imposing equal burdens on the people will produce equal benefits. The legislature may lay a tax for the support of common schools, because the children and wards of every taxable inhabitant may participate in the benefits of common schools; but unlimited taxation for the benefit of higher schools and seminaries, in which the few and not the many will participate, would be unequal and unjust.— These higher seminaries, being of public utility as furthering the means of general education, deserve the patronage and the countenance of the legislature so far as incidental aid can be consistently given. So of "private and public institutions," meaning undoubtedly those laudable charities which go to meliorate the condition of man, such as institutions for the education of the deaf and dumb and the blind, it may perhaps be just that the State government should give them countenance by contributions not as principal, but in aid of the charity of others. It may even be considered the duty of the legislature either by direct appropriations from the State treasury, or by mandatory requisitions on the several State municipalities, to make adequate provision for the helpless indigent thrown within its borders; and the education of the poor blind or mutes would not improperly be provided for at the expense of the general treasury. The policy of the State in these matters has

been rather to afford partial than entire support—to make appropriations in aid of other charities, or where it was difficult for the person interested to encounter the entire expense. For about fifteen years, aid has been given annually from the treasury to the education of the deaf and dumb; and for the last two or three years a similar aid has been given for the education of the blind. These aids have been general to all applicants of a suitable age; and if the burden has not operated equally upon the towns, the expenditure has been applied to such a noble purpose, being that of supplying by artificial means the place of the higher intellectual faculties, that few will be disposed to interpose the objection of any alleged inequality.

But there is left an object of public charity that perhaps more than any other deserves consideration. I am happy to see the public attention in this State called to it, and the good degree of zeal with which hundreds have embarked in a cause so interesting to humanity. If it be the duty of legislators to promote the cultivation of the human intellect by providing for the general education of our youth—if it be their duty to provide for the sustenance of such as cannot sustain themselves, how much higher the obligation to furnish means of comfort for the poor insane? Bereft of reason, a simple supply of the wants of nature is not all that is required for them. It has been found that a certain course of treatment, under competent physical and intellectual management, may restore to usefulness hundreds who without such treatment will be forever lost to themselves and their fellow men. An asylum in this State, at which provisions can be made as well for the permanently deranged as for the recovery of those of whom hopes may be entertained, would do credit to the cause of humanity. It may not be expected of the State that it shall be more than a liberal portion of such an institution: towns would pay for the support of their poor, and individuals who are able would by themselves or their friends be provided for at such an institution. The State might make a grant conditional that another sum should be furnished by munificent individuals. Such an institution, with the aid of an outset by the State, it is believed could be so managed by trustees with such occasional aid from the State Treasury or from any fund provided by the State as should be deemed indispensable. The expense of the State Government are almost exclusively defrayed by a direct tax upon the people; and it is desirable that all additional permanent

expenses that can be avoided should be dispensed with. But so loud is the call of human suffering upon the generosity, if not upon the justice of the State, that it may be hoped the representatives of the people, expressing their wishes and feelings on this subject, will consider the time as having arrived when the foundation of such an institution can be laid.

In regard to the "promotion of agriculture, arts, sciences, commerce, trades, and manufactures," enjoined in the constitution, generally speaking, it may be laid down as a rule that the several callings will be best protected by being left free from all trammels. Excessive legislation is frequently worse than no legislation: there is really more danger in giving a particular interest a legislative protection at the expense of other interests to take care of themselves. The better way to promote all is to let the government be felt in no place where govermental interference is not indispensable—to raise no revenue that is not wanted for objects useful and necessary—to furnish no dispensable object for expenditure that shall call for burdensome taxation.

It can scarcely be desirable to the people of this State that their coffers shall be filled by any indirection. The present condition of the national treasury, a temporary plethora indicating almost certain future poverty, furnishes a strong temptation to ask for distribution among the States. Desirable as is an overflowing State treasury, I cannot wish to see the time arrive when this State shall be furnished with funds from a superabundant national treasury. The public coffers must be supplied in some manner by contributions drawn from the people. If more shall be received from the customs and avails of the public domain than shall be necessary for the expenditures of the general government, how much better for the people will it be to relieve them from taxation upon their consumption, than to take the money from their pockets through the most expensive mode of collection, to be sent to the several State treasuries, not for the immediate benefit of those who contributed it, but to be scrambled for and expended in an unequal application to those points where the strongest influence will always bring it? Should the principle ever be established, in violation of the Constitution as I must think it to be, of distributing the funds of the nation among the States, I hope never to see New-Hampshire as a State commencing the work of making roads and other similar improvements; for, desirable as those works may be, when the

State once begins them, there can be no end to the call for appropriations; every man who cannot have an improvement on or near his premises will have cause to complain that the State does him injustice. If the money so to be received shall be loaned to responsible companies and individuals who are willing to incur the risk of undertaking improvements, we may have assurance that the works to be prosecuted are so much wanted that they will at least reimburse the original investment: the annual income from such loans, might be substituted for the usual annual taxes laid to defray the expenses of the State Government.

There is no pursuit that tends more directly to the independence and happiness of the people than agriculture. More productive as it is more necessary than any other, it is a matter of gratification and pride that it is a calling scarcely less reputable than that requiring the highest order and severest application of intellect. The most intelligent and most meritorious citizens are of those who labor with their own hands in agricultural pursuits. Of such men it is safe to make not only legislators to frame our laws, but magistrates to execute them. As agriculture has risen in estimation, so have our farmers increased in wealth and all the means of independence.—In the westerly part of the State especially, of late years, the rearing of sheep and the production of wool has come in aid of other objects yielding ready money and often an unexpected profit. One new subject of enterprise succeeds another: although in a rougher soil and a severer climate, the time may arrive when wool to New-England shall be as important a staple as the wheat of the middle or cotton of the southern States.

The public attention has recently been drawn to the culture of the mulberry, the raising of silk worms and the production of silk.—That this important item of consumption and of traffic may be produced in the United States as extensively as in any country in the world, will not be disputed. The late changes of the tariff bring the bulk of articles of which silk is composed or is a component part, into the country free of duty; and from this cause it is extensively taking the place of the finer cottons and woollens. The value of silks imported into the United States for home consumption during the year 1835, according to the custom house returns, was nearly sixteen millions of dollars. The introduction of the article free of duty, instead of discouraging, seems to have given an increased impetus to preparations for planting the mulberry and hereafter extending the production and manufacture of silk. It remains to be tested whether the soil of our State shall be well adapted to the mulberry cultivation. Nothing yet appears to discourage the undertaking; and as mulberry orchards may be planted without the

investment of a large capital, it might be useful to afford legislative countenance to such towns of the state as already or may hereafter possess farms employed in support of the poor, in the cultivation of the mulberry, as would fully test the fact of the adaptation of this climate to the production of silk. As silk is deprived of what has been called protection from the general government, it might not be invidious if the State should exempt such land as is actually employed in raising the mulberry from taxation until the orchard shall become productive; or if encouragement should be given for planting the mulberry on town farms. It may, however, be laid down as a general principle, that bounties and premiums on one article of production at the expense of other articles is unwise; and that the several interests of Agriculture, as well as trades and manufactures, deserving the encouragement of legislators and magistrates, will best receive it by being left free from that kind of protection which is to be found in a high tariff.

In the rapid progress of arts and wealth, not less than in moral and intellectual improvements, the mothers and daughters of New-England have contributed their full share. Indeed to them are the most of us, as men and as social beings; indebted for whatever is commendable in conduct or in character. Many of our interior towns owe their prosperity principally to the hand of female industry. The change which within the last few years has taken a portion of our females from their homes where domestic manufactures had been carried on, to be collected in masses at the large establishments which have supplied the place of the spindle and shuttle at the domestic fireside, to many philanthropists and patriots has been a subject of regret. The silk culture generally adopted, without materially interfering with other agricultural products, might usefully give full employment to many of that class of females beneath their own parental roof who seek for a livelihood abroad—requiring the kind of labor that females and children would most naturally perform. As giving extensively that employmt, the culture of the mulberry further deserves the public patronage.

Connected with the subject of agriculture, and coming to its aid in the developement of the nature and qualities of minerals and soils within our borders, is a geological survey of the State, which may be accomplished by the State itself aided by the general government in the employment of men competent to the object. Some of the States have already commenced geological examinations; and in some, important discoveries have been made. In the State of New-Jersey, in the vicinity of extensive districts of a supposed unproductive soil of little value, a species of marl under ground is found in abundance precisely calculated to make such soil greatly productive. In other parts of the United States extensive coal beds have been discovered, which of themselves are more valuable

than mines of silver and gold; in other parts abundance of iron ore; in others lead; in others, copperas and copper; and others where it was least expected, gold itself. The riches contained within the bosom of our mother earth have yet been but partially developed; perhaps less has been done within our State by way of thorough examination than in almost any other. Is there not something in our granite formation, in the magnitude and grandeur of our mountains, indicating that undiscovered riches repose in the bosom of our soil?

“A well regulated militia is the proper, natural and sure defence of a State.” Correctly did a veteran patriot, one of my predecessors in office, whose education was supplied by the experience, first of seven years expended in the tented field, and afterwards in that of the several successive public stations he has held estimate this monition of our Bill of Rights, when he lately gave it as his opinion that the man who would break down our militia must either want common sense or be an enemy to his country. Experience has taught us that our sole reliance, in all cases of invasion by a foreign enemy, in any sudden eruption of the aborigines within our borders, or in risings of the colored service race, is in an armed and disciplined body of freemen. The organization and discipline of the militia should never be abandoned. If provision is not made for it by the nation in whom by the Constitution the duty devolves, it will belong to the State to supply the deficiency. In the first out-breaking of every excitement, prompting the multitude either to resist the due course of law, to take the place of the execution of the law, or to outrage private rights, a “well regulated militia” will furnish the “sure defence,” until in due time returning reason after calm reflection, which never fails, comes in to correct the evil.—That organization, which best keeps up the spirit of the militia, should be always in view as the prominent subject of legislation: and in relation to that it will occur to you that frequent changes in any system that is not absolutely intolerable may not be salutary. It is the spirit of the soldier, rather than the machinery of the army, that best preserves the permanency and usefulness of the service. As one means of preserving this spirit, I would suggest, that perseverance in the plan of distributing the arms furnished by a law of Congress for the use of the militia of this State, as a bounty to those companies that may associate for uniformity of dress and equipments, might have a salutary effect. The principle might be extended so as to include common infantry companies, for whom a simple uniform shall be prescribed, incurring for that perhaps a less expense than the purchase of a musket or rifle. Appropriated to this use, and a return guaranteed to the State by responsible individuals, the arms belonging to the State will be made to perform a good service,

and will not wear out much sooner than they would rust out at the State Arsenal under the best care of the Commissary General.

In the exercise of the power of appointment, the Constitution vests co-ordinate power in the Chief Magistrate and the Council. As the first is elected by the people of the whole State, while the latter are chosen by five several districts being component parts of the State, so it was undoubtedly intended that the one should have the weight of the five collectively in all Executive acts. Thus the Governor can nominate a candidate for office and the Council can confirm or veto the nomination; or the Council can nominate and the Governor may confirm or veto. It is important, as well to the character of the Chief Magistrate as to that of his Council, that the responsibility of each shall be understood. That there may be no mistake in relation to this responsibility when conflicting candidates for office shall be presented, or when appointments shall be called in question, I will suggest as a rule: That the Council may at any time nominate when they are able to present a Candidate unanimously—that the Governor shall in all cases nominate when the Council shall be divided in opinion, either three to two, or four to one: so that in any case, if one or the other shall veto, the record will leave the question of responsibility indisputable. All my experience in public life has convinced me, that it is better for the public servant unintentionally to make a wrong decision, than to shun any responsibility involved in the discharge of his public duties.

Called, involuntarily on my part, by the partiality of my fellow citizens to the office of Chief Magistrate from a high position of the general government in which my best efforts have been expended more ineffectually for their intended benefit from the extraordinary position of the body in which I have been placed than I had anticipated when first entering on the office of Senator of the United States; called suddenly from one place to the other, it will not be expected in this first communication that I should notice the matters of especial legislation which may be required during the present year. That assessments of taxes may be equally made, the Constitution requires that "there shall be a valuation of the estates within the State taken anew once in every five years at least, and as much often as the general court shall order." The practice has been to make the apportionment of taxes once in four years; and this, at the return of each election of President of the United States has

called for two sessions of the Legislature in the same year.—Pursuing this practice, two sessions will be in course the present year. If you shall so decide, I know of no pressing emergency that shall keep you together the first session much beyond the completion of your organization. The additional expense of duplicate sessions of the Legislature, at the expiration of every fourth year; is a matter to be taken into consideration as affecting the subsequent annual State tax. Experience will have proved to the American people, that the most useful and the safest legislation comes not from those bodies which hold the longest sessions; or which spend much time in debating general questions to the almost utter neglect of minor questions. Systematic and simplified as has become the course of proceedings in the New-Hampshire Legislature, although the necessary business may from year to year increase in quantity, it may be anticipated that all will be completed in about the usual time.

In conclusion, I may advert to the condition of our common country. Blessed by Divine Providence in those forms of Government which give force to public opinion; with a population more enterprising as it is more enlightened than any other on earth; no other nation has made such rapid strides in the increase of wealth, in the march of mind, in the cultivation of intellect, in the means of both physical and moral improvement. Our systems of government, State and National, rightly administered, are stronger and more efficient as they are less complex than the systems of any other civilized nation on earth. If at any time abuses have crept into the administration of these systems, a peaceful remedy lies with the people; and sooner or later will that people discover and correct them.

At the head of this general Government during the last seven years has stood a man, who has accomplished more for his country than any other man living within its limits. Thwarted although he may have been by a sinister influence operating now on a majority of both Houses, and all the time on one branch of Congress—annoyed by the importunities of indiscreet friends—sometimes misled by the advice of secret enemies in the shape of friends—often vexed by the taunts and threats of open enemies in times critical and trying; the success of his administration is a matter of wonder as it is of joy to every patriotic bosom. That success is evinced, not more in the general internal prosperity, than in the stand we take among the

Nations. The United States of America will now scarcely be called a secondary power. Under the discreet management of our foreign relations during the last seven years, the most powerful States on earth have rendered us long withheld compensation for lawless depredations upon the property of our merchants; and even the smaller nations, hitherto deemed semi-barbarian, of continents and islands in the more distant points of the earth, not only recognize American rights in written treaties, but respect our flag as that of a nation whose friendship they are anxious to cultivate. How beautifully was the value of this friendship lately illustrated in the case of the sultan of Muscat, who, hitherto barbarian and foreign to us until negotiation with him was sought by that policy of our President which seeks to conciliate the reciprocal kindness of every kingdom and principality upon the habitable globe coming within reach of our extended and extending commerce;—who saved the crew of one of our public ships from extermination by pirates in the Indian seas, and not only restored them to their country, but furnished the means of rescuing the ship cast upon the rocks and for the repairs requisite to a pursuit of its voyage? The standing of this Nation in the estimation of all foreign powers is a proud one: there is no sea in which the American stars and stripes do not as effectually protect American persons and property as the flag of the most powerful nation on earth. The diplomatic policy of Andrew Jackson, different from that of some of the statesmen who have preceded him, and from that of some of the public men who oppose him, has secured for the country from several of the first and most belligerent powers on earth a restitution for injuries which for many years have been denied to his predecessors; and to him alone, in a recent attempt of a foreign power to evade its solemn obligations, is it due that the government of the United States has come out of the contest without resort to arms and with its honor untarnished. Enough for glory is it to the man at the head of this government who is soon to retire to the shades of private life, that he has triumphed over all enemies, as well in the Cabinet as in the field. In the face of the world he has contended against every mercenary appeal to the people that could be made to bear upon him. A giant monopoly in aid of giant politicians, came into the arena, offering wealth and prosperity on the one hand, and threatening and attempting prostration and ruin on the other; and this monopoly was sustained

by majorities in both houses of Congress. The President vetoed this monopoly in the midst of its strength and four years before the limit of its expiration, and threw himself upon the people, who at the instant sustained him and scattered his enemies. These have since rallied in all the Protean shapes which insincerity and duplicity know how to assume; and as often have they been dispersed as they have embodied themselves for a contest. Proud may the nation be of such a Chief; and proud should be that Chief of the nation whose intelligence and whose virtue have sustained him in every crisis.

Casting our dependance upon that divine being who has placed us here for wise and beneficent purposes, if our best efforts shall be aimed to produce the greatest good for the greatest number of our kind, we may anticipate the better enjoyments, that are attained in this state of uncertainty and change, and the fruition of happiness which awaits the honest in that world to which the successive generations of man are hastening.

ISAAC HILL.

Council Chamber, June 3, 1836.

The message having been read—

On motion of Mr. Martin—

Ordered, That it lie on the table and the Clerk be instructed to procure two hundred printed copies thereof for the use of the Senate.

On motion of Mr. Lamprey—

The Senate adjourned.

AFTERNOON.

A message from the House of Representatives by their Clerk.

“Mr. President—The House of Representatives have past a resolution appointing Messrs. Sleeper, Lane and Jones of Dunstable, with such as the Senate may join, a committee to wait on his Excellency the Governor and inform him that the following gentlemen are elected Counsellors for the ensuing political year—viz:

Ezekiel Morrill, for District	No. 1
Samuel Tilton,	No. 2
Benjamin Evans,	No. 3
Jonathan Gove,	No. 4.
John Page,	No. 5

in which they ask the concurrence of the Senate.”

On motion of Mr. Parsons—

Resolved, That the Senate concur in the passage of the foregoing resolution.

Ordered, That Mr. Woodbury be joined to said committee on the part of the Senate.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

“Mr. President—The House of Representatives have passed a resolution appointing Messrs. Hadley of Weare, Parker and Converse, with such as the Senate may join, a committee to procure three hundred printed copies of the rules of the Senate and House of Representatives, together with the joint rules of both Houses, the Constitution of this State and of the United States, the names and boarding houses of the several members of the Legislature and its officers, with a list of the standing committees, for the use of both branches of the Legislature the present year; in which they ask the concurrence of the Senate.”

They have also passed a resolution appointing Messrs. Hoitt of Lee, Hayes and Orcutt, with such as the Senate may join, a committee to assign the committee rooms to the several standing committees; in which they ask the concurrence of the Senate.”

On motion of Mr. Chase—

Resolved, That the Senate concur in the passage of a resolution appointing a joint committee to procure three hundred printed copies of the rules of the two Houses.

Ordered, That Mr. Lamprey be joined to said committee on the part of the Senate.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Blair—

Resolved, That the Senate concur in the appointment of a committee to assign the committee rooms to the several standing committees.

Ordered, That Mr. Jones be joined to said committee on the part of the Senate.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Woodbury, from the joint committee appointed to wait on His Excellency the Governor and inform him of the election of Counsellors, reported that they had attended to that duty.

Pursuant to notice given yesterday, and by leave of the Senate for that purpose—

Mr. Berry introduced a bill entitled 'An act to incorporate the Bristol Manufacturing Company,' which was read a first and second time.

Ordered, That it be referred to the committee on incorporations.

On motion of Mr. Martin—

The Senate adjourned.

SATURDAY, JUNE 4, 1836.

Pursuant to notice given yesterday, and by leave of the Senate for that purpose—

Mr Hunt introduced a bill entitled 'An act to incorporate certain persons by the name of the Proprietors of the Meeting House of the Second Baptist Society in Dunstable, which was read a first and second time.

Ordered, That it be referred to the committee on incorporations.

Mr. Parsons gave notice that, on Monday next, he will ask leave to introduce a bill entitled 'An act in addition to an act for laying out highways.'

A Message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed a resolution appointing Messrs. Angier, Leavitt of Tuftonborough, and Tyler, with such as the Senate may join, a committee for the purpose of fixing on a day when the business of the present session may be brought to a close; in which they ask the concurrence of the Senate."

On motion of Mr. Martin—

Resolved, That the Senate concur in adopting the aforesaid resolution.

Ordered, That Mr. Fisk be joined to said committee on the part of the Senate.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Berry—

Resolved, That when the Senate adjourn this forenoon, it be to meet again on Monday next at three o'clock in the afternoon.

Mr. Jones, from the committee on Unfinished Business, reported that the following act and resolution were postponed for further

consideration from the last to the present session of the Legislature:

“A bill entitled ‘An act in addition to and in amendment of an act declaring the mode of conveyance by deed, passed June 29, 1829.’

A resolution granting the town Clerk of New London the first and second volumes of the N. H. Reports.”

On motion of Mr Hunt—

Resolved, That said report be accepted, and the accompanying bill and resolution be referred to the appropriate standing committee.

Ordered, That they be referred to the committee on the Judiciary.

Mr. Hunt, from the committee on incorporations to whom was referred the bill entitled ‘An act to incorporate the Bristol Manufacturing Company,’ reported it without amendment.

On the question, shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time on Monday next, at three o’clock in the afternoon.

Mr. Hunt, from the same committee to whom was referred the bill entitled ‘An act to incorporate certain persons by the name of the Proprietors of the Meeting House of the Second Baptist Society in Dunstable,’ reported it without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time on Monday next at three o’clock in the afternoon.

On motion of Mr. Egerton—

The Senate adjourned.

MONDAY JUNE 6, 1836.

Mr. Jones, from the joint select committee to assign committee rooms to the several standing committees, reported the following joint resolution;

“*Resolved*, by the Senate and House of Representatives, That committee rooms numbered 6, 7 and 8, be occupied by committees of the Senate, and the following rooms by the committees of the House of Representatives;

No. 1. By committees on elections and banks.

No 2. By committees on incorporations and alteration of names.

No. 3. By committees on agriculture and manufactures, and on finance.

No. 4. By committees on roads, bridges and canals, and on public lands.

No. 5. By committees on claims and printers' accounts.

No. 9. By committees on unfinished business and on bills on their second reading.

No. 10. By committee on the judiciary.

No. 11. By committees on military affairs and military accounts.

No. 12. By committees on education and the library.

No. 13. By committees on towns and parishes and select committees.

No. 6. By the joint committee on engrossed bills.

No. 8. By the joint committee on the state house and state house yard."

The foregoing resolution having been read—

Resolved, That it pass.

Ordered, That the Clerk notify the House of Representatives accordingly.

The Senate proceeded to the order of the day on the bill entitled 'An act to incorporate the Bristol Manufacturing Company.'

Which was read a third time.

Resolved, That it pass, and its title be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

The Senate proceeded to the order of the day on the bill entitled 'An act to incorporate certain persons by the name of the proprietors of the Meeting House of the Second Baptist Society in Dunstable—'

Which was read a third time.

On motion of Mr. Hunt—

Ordered, That it lie upon the table.

A message from the House of Representatives by their Clerk:

"Mr. President—I am directed to deliver to the Hon. Senate a message received from His Excellency the Governor by the House of Representatives, enclosing the resignation of the Hon. Isaac Hill, late a Senator from this State in the Congress of the United States."

The message and accompanying letter of resignation were read as follows:

"To the Senate and House of Representatives:

I herewith send you a communication handed me this morning by my predecessor, which should have arrived in the course of the mail to have been communicated to both branches of the Legislature on yesterday, but which missed the mail for one day.

ISAAC HILL.

Council Chamber, June 3, 1836."

*"Senate Chamber,
Washington, May 28, 1836."*

SIR—

That my place in the Senate of the United States may be supplied as soon as expedient after the two branches of the Legislature of New-Hampshire shall be organized, I respectfully request that you may announce to both branches of the Legislature that I shall on Monday next (May 30) resign my seat for the remainder of my term in the Senate of the United States, and this communication may be taken as the act of resignation.

I am with much respect,

Your obedient servant,

ISAAC HILL.

His Excellency,

WILLIAM BADGER."

Mr. Woodbury, from the committee on elections, made the following

REPORT:

"The committee on elections, having examined the returns of votes from the several Senatorial Districts, find them to be as recorded by the Secretary as follows—viz:

District No. 1.

Estimated as scattering	25
Thomas J. Parsons has and is elected.	1,116

District No. 2.

Estimated as scattering	94
Smith Lamprey has and is elected.	2,201

District No. 3.

Estimated as scattering	34
John Woodbury has	1,785
and is elected.	

District No. 4.

Whole number of votes,	2,927
Necessary to a choice,	1,464
Estimated as scattering,	94
Thomas D. Merrill	494
James Clark has	2,374

and is elected.

District No. 5.

Whole number of votes,	2,506
Necessary to a choice,	1,254
Estimated as scattering,	15
John Wingate has	588
Noah Martin has	1,903

and is elected.

District No. 6.

Estimated as scattering,	26
Jonathan T. Chase has	2,776

and is elected.

District No. 7.

Estimated as scattering,	286
Israel Hunt, jr. has	1,764

and is elected.

District No. 8.

Estimated as scattering,	115
Samuel Jones has	2,720

and is elected.

District No. 9.

Whole number of votes,	2,675
Necessary to a choice,	1,340
Henry Coolidge has	1,308
Levi Fisk has	1,371

and is elected.

District No. 10.

Whole number of votes	2,980
Necessary to a choice	1,491
Estimated as scattering	2
Samuel Morse has	1,167
Samuel Egerton	1,813

and is elected.

District No. 11.

Estimated as scattering	197
Nathaniel S. Berry has	2,337

and is elected.

District No 12.

Estimated as scattering	160
Walter Blair has	3,198

and is elected.

The foregoing report having been read—

On motion of Mr. Lamprey—

Resolved, That the same be accepted.

Pursuant to notice given Saturday last, and by leave of the Senate for that purpose—

Mr. Parsons introduced a bill entitled ‘An act in addition to an act for laying out highways;’ which was read a first and second time.

Ordered, That it be referred to the committee on the Judiciary.

On motion of Mr. Chase—

Resolved, That a committee be appointed to take into consideration the message of his Excellency the Governor, and that they report what disposition be made of the several subjects embraced therein.

Ordered, That Messrs. Chase, Jones and Lamprey be said committee.

On motion of Mr. Martin—

The Senate adjourned.

—
TUESDAY, JUNE 7, 1836.

A message from the House of Representatives by their Clerk:

“Mr. President—I am directed to inform the Hon. Senate that the House of Representatives have concurred in the passage of the resolution reported by the joint committee for that purpose, assigning committee rooms to the several standing committees.”

Mr. Chase, from the select committee appointed to take into consideration the message of His Excellency the Governor, and report what disposition be made of the several subjects embraced therein, made a report—Whereupon—

“Resolved, That so much of said message as relates to the ad-

ministration of justice in the collection of debts and courts of law, be referred to the committee on the judiciary—

That so much as relates to the currency of the country and the banking system, be referred to the committee on banks—

That so much as relates to punishment for criminal offences, be referred to a select committee—

That so much as relates to education, and the deaf, dumb and blind, be referred to the committee on schools and seminaries of learning—

That so much as relates to agriculture, the mechanic arts, and the culture of the mulberry, be referred to the committee on agriculture and manufactures—

That so much as relates to the insane, be referred to a select committee—

That so much as relates to the militia, be referred to the committee on military affairs.”

Ordered, That Messrs. Parsons, Fisk, and Woodbury, be a select committee on so much of the Governor’s message as relates to punishment for criminal offences.

Ordered, That Messrs. Martin, Hunt and Berry, be a select committee on so much of the Governor’s message as relates to the insane.

Mr. Woodbury gave notice that he will to-morrow ask leave to introduce a bill, entitled ‘An act in addition to an act for the punishment of certain crimes.’

Mr. Parsons gave notice that he will to-morrow ask leave to introduce a bill, entitled ‘An act declaring the tenure and providing for the removal from office of Registers of Probate.’

On motion of Mr. Parsons—

The Senate adjourned.

AFTERNOON.

Mr. Martin, from the committee on the judiciary to whom was referred the bill entitled ‘An act in addition to an act for laying out highways,’ reported the same with an amendment—

Which was read and adopted.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow at 10 o’clock, in the forenoon.

On Motion of Mr. Parsons—

Resolved, That so much of His Excellency's message as relates to the subject of slavery, be referred to a select committee.

Ordered, That Messrs. Parsons, Egerton, and Blair, be that committee.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed a resolution appointing Messrs. Bean, Vincent and Bailey, with such as the Senate may join, a committee to inquire into the expediency of holding a second session of the Legislature the present year—and if so, at what time—and report thereon; in which they ask the concurrence of the Senate.

I am also directed to inform the Senate that the House will be ready to meet them in Convention to-morrow at four o'clock in the afternoon, for the purpose of proceeding in the elections agreeably to the provisions of the Constitution."

Resolved, That the Senate concur with the House of Representatives in the appointment of a committee, to consider the expediency and time of holding a second session of the Legislature the present year—and to report thereon.

Ordered, That Mr. Lamprey be joined to said committee on the part of the Senate.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Chase—

Resolved, That the Senate will meet the House of Representatives in Convention to-morrow at 4 o'clock in the afternoon, for the purpose of proceeding in the elections.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Martin, from the committee on the judiciary to whom was referred the bill entitled 'An act in addition to and in amendment of an act declaring the mode of conveyance by deed, passed June 29, 1829,' read a report—Whereupon—

Resolved, That the further consideration of said bill be postponed to the next session of the Legislature.

On motion of Mr. Lamprey—

The Senate adjourned.

WEDNESDAY, JUNE 8, 1836.

The Senate proceeded to the order of the day on the bill entitled 'An act in addition to an act for laying out highways'—

Which was read a third time.

On motion of Mr. Blair—

Ordered, That it lie upon the table.

Pursuant to notice given yesterday and by leave of the Senate for that purpose—

Mr. Woodbury introduced a bill entitled, 'An act in addition to an act for the punishment of certain crimes'—

Which was read a first and second time.

Ordered, That it be referred to the committee on the judiciary.

Pursuant to notice given yesterday and by leave of the Senate for that purpose—

Mr. Parsons introduced a bill entitled, 'An act declareing the tenure and providing for the removal from office of Registers of Probate'—

Which was read a first and second time.

Ordered, That it be referred to the committee on the judiciary.

Mr Martin, from the committee on the judiciary, to whom was referred the joint resolution authorizing the Secretary to deliver to the town clerk or representative of New-London, the first and second volumes of the New-Hampshire Reports, made a report—Whereupon—

Resolved, That said committee be discharged from a further consideration of the subject.

On motion of Mr. Blair—

The bill entitled 'An act in addition to an act for laying out highways,' was taken up and considered.

Resolved, That it pass, and that its title be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Hunt—

The Senate adjourned.

AFTERNOON.

Mr. Lamprey, from the joint select committee appointed to inquire into the expediency and time of holding a second session of the Legislature the present year, made a report accompanied by the following resolution:

"*Resolved by the Senate and House of Representative in General Court convened*, That when the Legislature closes its present ses-

sion, it adjourn to meet on Wednesday the twenty-third day of November next."

The foregoing resolution having been read—

Resolved, That it pass.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

"Mr. President—I am directed to inform the Honorable Senate that the House of Representatives have, on their part, elected the Hon. John Page to represent this State in the Senate of the United States, to supply the vacancy occasioned by the resignation of the Hon. Isaac Hill."

On motion of Mr. Blair—

The Senate proceeded by ballot to choose a Senator to represent this State in the Senate of the United States, to supply the vacancy occasioned by the resignation of the Hon. Isaac Hill;—and the Hon. John Page was unanimously elected.

On motion of Mr. Parsons—

Ordered, That the Clerk notify the House of Representatives, that the Senate have on their part elected the Hon. John Page to represent this State in the Senate of the United States, to supply the vacancy occasioned by the resignation of the Hon. Isaac Hill.

A message from the House of Representatives by their Clerk:

"Mr. President—I am directed to inform the Honourable Senate that the House of Representatives have appointed Messrs. Angier, Cheney, and Flanders, with such as the Senate may join, a committee to wait on His Excellency the Governor and inform him of the election of the Hon. John Page to represent this State in the Senate of the United States, to supply the vacancy occasioned by the resignation of the Hon. Isaac Hill—and also to wait upon the Hon. John Page and inform him of his election as aforesaid; in which they ask the concurrence of the Senate."

On motion of Mr. Parsons—

Resolved That the Senate concur in the passage of the resolution appointing a joint committee to wait upon His Excellency the Governor and the Hon. John Page, and inform them of the election of the latter to the Senate of the United States.

Ordered, That Mr. Hunt be joined to said committee on the part of the Senate.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed a bill entitled 'An act to incorporate the Franklin Foundry,'"

They have also passed a resolution in favor of Charles Lane and Asa Fowler; in which they ask the concurrence of the Senate."

The bill entitled 'An act to incorporate the Franklin Foundry,' was read a first and second time.

Ordered, That it be referred to the committee on incorporations.

The resolution in favor of Charles Lane and Asa Fowler, was read a first and second time.

Ordered, That it be referred to the committee on claims.

Mr. Hunt, from the joint select committee appointed to wait on his Excellency the Governor and the Hon. John Page, and inform them of the election of the latter to represent this State in the Senate of the United States, to supply the vacancy occasioned by the resignation of the Hon. Isaac Hill, reported that they had attended to the duty assigned them.

On motion of Mr. Hunt—

Resolved, That the Senate now meet the House in Convention for the purpose of proceeding in the elections.

IN CONVENTION.

The Senate and House of Representatives being assembled in Convention in the Representatives' Hall for the purpose of proceeding in the elections agreeably to the provisions of the Constitution:

On motion of Mr. Clement of Claremont—

The Convention proceeded by ballot to the choice of a Secretary of State for the ensuing political year; and Ralph Metcalf was elected.

On motion of Mr. Hoitt of Lee—

The Convention proceeded by ballot to the choice of a Treasurer for the ensuing year; and Abner B. Kelly was elected.

On motion of Mr. Meserve of Bartlett—

The Convention proceeded by ballot to the choice of a Commissary General for the ensuing year; and Joseph Hill was elected.

On motion of Mr. Lamprey of the Senate—

The Convention rose and the Senate returned to their Chamber.

IN SENATE.

Mr. Martin, from the committee on the judiciary to whom was referred the bill entitled 'An act declaring the tenure and providing for the removal from office of Registers of Probate,' reported the same without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow at 10 o'clock in the forenoon.

On motion of Mr. Martin—

The Senate adjourned.

THURSDAY, JUNE 9, 1836.

Mr. Chase from the committee on claims to whom was referred the resolution in favor of Charles Lane and Asa Fowler, reported the same without amendment.

On the question, Shall this resolution be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at three o'clock this afternoon.

The Senate proceeded to the order of the day on the bill entitled 'An act declaring the tenure and providing for the removal from office of Registers of Probate.'

Which was read a third time.

Resolved, That it pass, and its title be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Hunt from the committee on incorporations to whom was referred the bill entitled 'An act to incorporate the Franklin Foundry,' reported the same with an amendment—

Which was read and adopted.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 3 o'clock this afternoon.

On motion of Mr. Hunt, who had voted with the majority—

Resolved, That the vote, ordering the bill entitled 'An act to incorporate the Franklin Foundry' to a third reading be re-considered.

On motion of Mr. Martin—

Ordered, That said bill be recommitted to the committee on incorporations.

A message from the House of Representatives by their Clerk:

“Mr. President—The House of Representatives have passed a bill entitled ‘An act in addition to an act entitled an act to incorporate sundry persons by the name of the President, Directors and company of the Portsmouth Bank, passed June 10, 1803,’ in which they ask the concurrence of the Senate.

The House of Representatives have concurred with the Senate in the passage of a joint resolution providing for holding a second session of the Legislature the present year, to commence on Wednesday the twenty third day of November next.”

The foregoing bill, sent up from the House for concurrence, was read a first and second time.

Ordered, That it be referred to the committee on banks.

On motion of Mr. Blair—

The Senate adjourned.

AFTERNOON.

On motion of Mr. Martin—

The Senate adjourned.

FRIDAY, JUNE 10, 1836.

The Senate proceeded to the order of the day on the resolution in favor of Charles Lane and Asa Fowler—

Which was read a third time.

Resolved, That it pass.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Lamprey, from the committee on banks, to whom was referred the bill, entitled ‘An act in addition to an act entitled an act to incorporate sundry persons by the name of the President, Directors and Company of the Portsmouth Bank, passed June 10, 1803,’ reported the same with an amendment of an additional section:

Which was read and adopted.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 3 o'clock, this afternoon.

A Message from the House of Representatives by their Clerk:

“Mr. President—The House of Representatives have passed a resolution appointing Messrs. Stevens of Lebanon, Marston, and Taylor of Claremont, with such as the Senate may join, a committee to wait upon Ralph Metcalf, Esq. and inform him of his election to the office of Secretary of State—Abner B. Kelley, Esq. and inform him of his election as Treasurer—and on Joseph Hill, Esq. and inform him of his election as Commissary General, for the ensuing year; and if they accept the several offices to which they have been elected, to receive from them the customary bonds, and lay them before the House of Representatives; in which they ask the concurrence of the Senate.

The House of Representatives have passed the following bills, in which they ask the concurrence of the Senate—viz:

A bill entitled ‘An act to incorporate the Harrisville Manufacturing Company.’

A bill entitled ‘An act to incorporate the Franklin Aqueduct Company.’

A bill entitled ‘An act to incorporate the Bellamy Manufacturing Company.’

A bill entitled ‘An act to incorporate the Mascomy Manufacturing Company.’

A bill entitled ‘An act to incorporate Hancock Literary and Scientific Institution.’

A bill entitled ‘An act to incorporate Unity Scientific and Military Academy.’

The House of Representatives concur with the Senate in the passage of a bill entitled ‘An act to incorporate the Bristol Manufacturing Company.’

The first of the foregoing bills, sent up from the House of Representatives for concurrence, was read a first and second time.

Ordered, That it be referred to the committee on agriculture and manufactures.

The second of said bills was read a first and second time.

Ordered, That it be referred to the committee on incorporations.

The third of said bills was read a first and second time

Ordered, That it be referred to the committee on agriculture and manufactures.

The fourth of said bills was read a first and second time.

Ordered, That it be referred to the committee on agriculture and manufactures.

The fifth of said bills was read a first and second time.

Ordered, That it be referred to the committee on schools and seminaries of learning.

The sixth of said bills was read a first and second time.

Ordered, That it be referred to the committee on schools and seminaries of learning.

The seventh of said bills was read a first and second time.

Ordered, That it be referred to the committee on schools and seminaries of learning.

Resolved, That the senate concur with the House of Representatives in the appointment of a joint committee to wait upon the Secretary, Treasurer and Commissary General, inform them of their election, receive the customary bonds and lay them before the House.

Ordered, That Mr. Blair be joined to said committee on the part of the Senate.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Hunt, from the committee on incorporations to whom was referred the bill entitled 'An act to incorporate the Franklin Foundry,' reported the same without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at three o'clock this afternoon.

Mr. Fisk, from the joint select committee to designate the time when the present session of the Legislature may close, reported the following resolution:

"*Resolved*, That the business of the present session, shall be closed on Wednesday the fifteenth day of June instant."

On motion of Mr. Berry—

Ordered, That said resolution lie upon the table.

Mr. Hunt, from the committee on incorporations to whom was referred the bill entitled 'An act to incorporate the Franklin Aqueduct Company,' reported the same without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 3 o'clock this afternoon.

On motion of Mr. Berry—

The Senate adjourned.

AFTERNOON.

The Senate proceeded to the order of the day on bills with the following titles:

'An act to incorporate the Franklin Aqueduct Company';

'An act to incorporate the Franklin Foundry';

Which were severally read a third time.

Resolved, That they pass, and their titles be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Hunt—

The bill, entitled 'An act to incorporate certain persons by the name of the Proprietors of the Meeting House of the Second Baptist Society in Dunstable,' was taken up and considered.

On motion of Mr. Martin—

Ordered, That it lie upon the table.

The Senate proceeded to the order of the day on the bill entitled 'An act in addition to an act entitled an act to incorporate sundry persons by the name of the President, Directors and Company of the Portsmouth Bank, passed June 10, 1802'; but before any action was had thereon—

On motion of Mr. Parsons—

Ordered, That it lie on the table.

Mr. Blair, from the committee on agriculture and manufactures to whom was referred the bill entitled 'An act to incorporate the Harrisville Manufacturing Company,' reported the same without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow at ten o'clock in the forenoon.

Mr. Blair, from the same committee, to whom was referred the bill entitled 'An act to incorporate the Mascomy Manufacturing Company,' reported the same without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow, at ten o'clock in the forenoon.

Mr. Blair, from the same committee to whom was referred the bill entitled 'An act to incorporate the Bellamy Manufacturing Company,' reported it without amendment.

On the question; Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow at ten o'clock in the forenoon.

On motion of Mr. Hunt—

The Senate adjourned.

SATURDAY, JUNE 11, 1836.

The Senate proceeded to the order of the day on bills with the following titles:

‘An act to incorporate the Harrisville Manufacturing Company;’

‘An act to incorporate the Mascomy Manufacturing Company;’

‘An act to incorporate the Bellamy Manufacturing Company;’

Which were severally read a third time.

Resolved, That they pass and their titles be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Parsons from the committee on schools and seminaries of learning to whom was referred the bill entitled ‘An act to incorporate Hancock Literary and Scientific Institution,’ reported the same without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 3 o'clock this afternoon.

Mr. Parsons from the same committee to whom was referred the bill entitled ‘An act to incorporate Unity Scientific and Military Academy,’ reported the same without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 3 o'clock this afternoon.

Mr. Parsons, from the same committee to whom was referred the bill entitled ‘An act to incorporate Henniker Academy,’ reported the same without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 3 o'clock this afternoon.

Mr. Blair gave notice that he will on Monday next ask leave to introduce a bill entitled ‘An act to incorporate the First Fire Engine Company in the town of Plymouth.’

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives concur with the Senate in the passage of a bill entitled 'An act declaring the tenure and providing for the removal from office of Registers of Probate.'

They have passed bills of the following titles, in which they ask the concurrence of the Senate, viz:

'An act in addition to an act entitled an act to incorporate the Claremont Manufacturing Company, passed June 21, 1832.'

'An act to incorporate the New-England Worsted Manufacturing Company.'

They have also passed a resolution in favor of Cyrus Barton; in which they ask the concurrence of the Senate."

The first of the foregoing bills, sent up from the House for concurrence, was read a first and second time.

Ordered, That it be referred to the committee on agriculture and manufactures.

The second of said bills was read a first and second time.

Ordered, That it be referred to the committee on agriculture and manufactures.

The resolution in favor of Cyrus Barton, sent up from the House, was read a first and second time.

Ordered, That it be referred to the committee on printers' accounts.

On motion of Mr. Hunt—

Resolved, That when the Senate adjourns this forenoon, it adjourn to meet on Monday next at 3 o'clock in the afternoon.

On motion of Mr. Martin—

The bill entitled 'An act to incorporate certain persons by the name of the Proprietors of the Meeting House of the Second Baptist Society in Dunstable,' was taken up and considered.

Resolved, That it pass, and its title be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Parsons—

The bill entitled 'An act in addition to an act to incorporate sundry persons by the name of the President, Directors and Company of the Portsmouth Bank, passed June 10, 1803,' was taken up and considered.

On motion of Mr. Parsons—

Resolved, That said bill be considered on its second reading.

Mr. Blair, who had yesterday voted with the majority on the adoption of the amendment to said bill reported by the committee on banks, moved a reconsideration of the vote adopting that amendment.

On motion of Mr. Parsons—

Ordered, That said bill, and the motion to reconsider the vote adopting the aforesaid amendment to the same, lie upon the table.

On motion of Mr. Fisk—

The Senate adjourned.

MONDAY, JUNE 13, 1836.

The Senate proceeded to the order of the day on bills with the following titles :

‘An act to incorporate Unity Scientific and Military Academy;’

‘An act to incorporate Henniker Academy;’

‘An act to incorporate Hancock Literary and Scientific Institution;’

Which were severally read a third time.

Resolved, That they pass, and their titles be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Blair, from the joint select committee appointed to audit the accounts of the Treasurer of this State, made the following

REPORT:

“The select joint committee appointed to audit the accounts of the Treasurer of this State, report, that they have carefully examined the following accounts from June 1, 1835, to June 1, 1836:

A bond signed by Jasper Elkins and others, in favor of the State, dated Aug. 21, 1830, for	\$ 382,00
Discharged by balance due on said bond	382,00

An account of stock in the New-Hampshire Bank and dividends on the same	26,500,00
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By Cash received for dividends and carried to general cash account	1,500,00
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“ Fifty shares in the New-Hampshire Bank at \$500 ea.	25,000,00
---	-----------

	\$ 26,500,00
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A general cash account embracing the following items, viz:—

Balance of cash in the Treasury as found on settlement, June 1, 1835,	1,218,12
Taxes outstanding at that time	2,126,64
Cash borrowed	37,800,00
Cash received of John L. Perley for error in pay-roll	4,00
Cash received of New-Hampshire Bank for dividends on shares	1,500,00
Cash received of Ralph Metcalf for civil commissions from June 16, 1834, to June 12, 1835	418,00
Amount of State Tax for 1835	65,000,00
Cash received on note signed by Moses Foss and others, including principal and interest	127,25
Error in bounty account of Freedom,	1,00
	<hr/>
	\$ 108,195,01

Which is accounted for as follows—

Paid sundry persons for salaries of Governor, Judges of Superior Court, Court of Common Pleas, Judges and Registers of Probate, Attorney General, Adjutant General, Commissary General, Quarter-master General, Secretary, Treasurer and Warden of State Prison	16,146,80
Paid travel and attendance of the Council, Senate and House of Representatives,	15,097,20
Paid bounties on Bears, Wild cats, Foxes and Crows	4,146,40
Paid Solicitors, Printers' accounts, Military appropriations and sundry orders drawn by the Executive not included in the above accounts,	4,084,55
Paid Warden of State Prison agreeably to resolve	10,000,00
Paid appropriation for Deaf and Dumb	1,500,00
Paid appropriation for the Blind	500,00
Paid for cash borrowed	48,800,00
Paid for interest for cash borrowed	2,098,51
Taxes outstanding	2,471,99
Cash in the Treasury June 1, 1836,	3,349,56
	<hr/>
	\$ 108,195,01

All which are duly vouched, and correctly cast.

WALTER BLAIR,
ROBERT INGALLS,
TRUE NORRIS,
SAMUEL GARFIELD, Jr."

The foregoing report having been read—

On motion of Mr. Lamprey—

Resolved, That the same be accepted.

Ordered, That the Clerk notify the House of Representatives accordingly.

Pursuant to notice given Saturday and by leave of the Senate for that purpose—

Mr. Blair introduced a bill entitled 'An act to incorporate the First Fire Engine Company in the Town of Plymouth,' which was read a first and second time.

Ordered, That it be referred to the committee on incorporations.

Mr. Egerton from the committee on printers' accounts to whom was referred the resolution in favor of Cyrus Barton, reported the same with an amendment—

Which was read and adopted.

On the question, Shall this resolution be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow at 10 o'clock in the forenoon.

On motion of Mr. Jones—

The Senate adjourned.

TUESDAY, JUNE 14, 1836.

The Senate proceeded to the order of the day on the resolution in favor of Cyrus Barton—

Which was read a third time.

Resolved, That it pass.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Berry—

The resolution fixing a time for the close of the present session of the Legislature was taken up and considered.

Mr. Berry moved to amend the resolution by striking out the word 'Wednesday the fifteenth day of June instant,' and inserting in lieu thereof 'Friday the seventeenth day of June instant'.

On the question, Shall this amendment be adopted?

It was decided in the affirmative.

Resolved, That the resolution pass, as amended.

Ordered, That the Clerk notify the House of Representatives accordingly and request their concurrence.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed the following bills and resolutions, in which they ask the concurrence of the Senate:

'A resolution to inquire into the expediency of providing by law for the more equal distribution of the public money for the support of primary schools.'

'An act to provide a more cheap and expeditious mode of assessing damages for land or materials taken by Rail Road Corporations.'

'An act to incorporate the Nashua Mechanics' Steam Company.'

'An act to incorporate the Ashuelot Manufacturing Company.'

'An act to prevent fraud in the packing, pressing and vending of hay.'

'An act in amendment of an act entitled an act to incorporate a company by the name of the Proprietors of Claremont Bridge, passed July 1, 1834.'

'An act to incorporate the Oswego Mill Company.'

'An act to incorporate the North Ville Company.'

'An act providing for the compensation of the officers of the civil list.'

A resolution relating to the Indian Stream Territory.

A resolution in favor of the company of artillery in the 27th Regiment of N. H. Militia.

'An act to incorporate the Union Factory Company.'

'An act to incorporate certain persons by the name of the Proprietors of Goff's Falls Bridge.'

The first of the foregoing bills, sent up from the House of Representatives for concurrence, was read a first and second time.

Ordered, That it be referred to the committee on the judiciary.

The second of said bills was read a first and second time.

Ordered, That it be referred to the committee on agriculture and manufactures.

The third of said bills was read a first and second time.

Ordered, That it be referred to the committee on agriculture and manufactures.

The fourth of said bills was read a first and second time.

Ordered, That it be referred to the committee on agriculture and manufactures.

The fifth of said bills was read a first and second time.

Ordered, That it be referred to the committee on incorporations.

The sixth of said bills was read a first and second time.

Ordered, That it be referred to the committee on the judiciary.

The seventh of said bills was read a first and second time.

Ordered, That it be referred to the committee on agriculture and manufactures.

The eighth of said bills was read a first and second time.

Ordered, That it be referred to the committee on the judiciary.

The ninth of said bills was read a first and second time.

Ordered, That it be referred to the committee on agriculture and manufactures.

The tenth of said bills was read a first and second time.

Ordered, That it be referred to the committee on incorporations.

The first of the foregoing resolutions, sent up from the House for concurrence, was read a first and second time.

Ordered, That it be referred to the committee on schools and seminaries of learning.

The second of said resolutions was read a first and second time.

Ordered, That it be referred to the committee on military affairs.

The third of said resolutions was read a first and second time.

Ordered, That it be referred to the committee on military affairs.

Mr. Blair, from the committee on agriculture and manufactures to whom was referred the bill entitled 'An act to incorporate the New-England Worsted Manufacturing Company,' reported the same without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 3 o'clock this afternoon.

Mr. Hunt, from the committee on incorporations to whom was referred the bill entitled 'An act to incorporate the First Fire Engine Company in the town of Plymouth,' reported the same without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at three o'clock this afternoon.

On motion of Mr. Parsons—

The Senate adjourned.

AFTERNOON.

The Senate proceeded to the order of the day on bills with the following titles:

'An act to incorporate the New-England Worsted Manufacturing Company;'

'An act to incorporate the First Fire Engine Company in the town of Plymouth.'

Which were severally read a third time.

Resolved, That they pass, and their titles be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Parsons, from the joint committee on engrossed bills, reported that they had carefully examined and found correctly engrossed bills and a resolution with the following titles:

'A resolution in favor of Charles Lane and Asa Fowler.'

'An act to incorporate the Bristol Manufacturing Company.'

'An act to incorporate the Franklin Foundry.'

'An act to incorporate the Franklin Aqueduct Company.'

'An act to incorporate the Harrisville Manufacturing Company.'

'An act to incorporate the Bellamy Manufacturing Company.'

'An act declaring the tenure and providing for the removal from office of Registers of Probate.'

'An act to incorporate the Mascomy Manufacturing Company.'

'An act to incorporate Unity Scientific and Military Academy.'

'An act to incorporate Hancock Literary and Scientific Institution.'

'An act to incorporate Henniker Academy.'

A message was received from the House of Representatives, giving information that the Speaker of that body had signed the foregoing bills and resolution, reported as correctly engrossed by the committee on engrossed bills, and their Clerk was directed to lay them before the Senate for the signature of their President.

Thereupon the President of the Senate signed said bills and resolution, and the same were delivered to the committee on engrossed bills, to be laid before the Governor for his approval and signature.

Mr. Parsons, from said committee reported that they had this day presented the aforesaid bills and resolution, by them reported as correctly engrossed, to His Excellency the Governor for his approval.

Mr. Hunt, from the committee on incorporations to whom was referred the bill entitled 'An act to incorporate a company by the

name of the Proprietors of Claremont Bridge, passed July 1, 1834,' reported the same without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow at ten o'clock in the forenoon.

Mr. Martin, from the committee on the judiciary to whom was referred the bill entitled 'An act providing for the compensation of the officers of the civil list,' reported the same with sundry amendments.

Which were severally read.

On motion of Mr. Martin—

Ordered, That said bill, with the proposed amendments, lie upon the table.

Mr. Blair, from the committee on agriculture and manufactures to whom was referred the bill entitled 'An act in addition to an act entitled an act to incorporate the Claremont Manufacturing Company, passed June 21, 1832,' made a report, Whereupon—

Resolved, That the further consideration of said bill be postponed to the next session of the Legislature.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Blair, from the same committee to whom was referred the bill entitled 'An act to incorporate the North Ville Company,' reported it without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow, at ten o'clock in the forenoon.

Mr. Blair, from the same committee to whom was referred the bill entitled 'An act to incorporate the Ashuelot Manufacturing Company,' reported it without amendment.

Mr. Parsons moved to amend the bill by striking out, in the 7th line of the 2nd section, after the word 'necessarily' the words 'or conveniently'.

On the question, Shall this amendment be adopted?

It was decided in the affirmative.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow at 10 o'clock in the forenoon.

Mr. Blair, from the same committee to whom was referred the

bill, entitled 'An act to incorporate the Nashua Mechanics' Steam Company,' reported it with an amendment.

Which was read and adopted.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time tomorrow at ten o'clock in the forenoon.

Mr. Blair, from the same committee to whom was referred the bill entitled 'An act to incorporate the Union Factory Company,' reported it without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow, at ten o'clock in the forenoon.

Mr. Blair, from the same committee to whom was referred the bill entitled 'An act to prevent fraud in the packing, pressing and vending of hay,' reported it without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow at 10 o'clock in the forenoon.

Mr. Hunt, from the committee on incorporations to whom was referred the bill entitled 'An act to incorporate certain persons by the name of the Proprietors of Goff's Falls Bridge,' reported the same with an amendment of an additional section.

Which was read and adopted.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow at ten o'clock in the forenoon.

Mr. Berry, from the committee on military affairs to whom was referred the resolution authorizing the exchange of the piece of ordnance belonging to the Artillery company in the 27th Regiment, reported the same without amendment.

On the question, Shall this resolution be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow at 10 o'clock in the forenoon.

On motion of Mr. Martin—

The Senate resumed the consideration of the bill entitled 'An

act providing for the compensation of the officers of the civil list, with the amendments thereto proposed by the committee on the judiciary.

The first amendment proposed by the committee was read and rejected.

The second amendment proposed by the committee was read and adopted.

Mr. Parsons moved to amend the bill by inserting after the words 'same term,' the words 'that the Commissary General have and receive for the same term, the sum of forty dollars.'

Which was read and adopted.

Mr. Hunt proposed a further amendment, which was rejected.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

On motion of Mr. Woodbury—

Resolved, That the rules of the Senate be so far suspended that said bill be read a third time at the present time.

Said bill was accordingly read a third time.

Resolved, That it pass, and its title be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives concur with the Senate in adopting the report of the joint select committee appointed to audit the accounts of the Treasurer of this state.

They have passed a bill entitled 'An act to protect collectors of taxes,'

Also a resolution authorizing the Treasurer of this State to borrow a sum of money not exceeding thirty-five thousand dollars, for the use of the State—in which they ask the concurrence of the Senate."

The foregoing bill, sent up from the House of Representatives for concurrence, was read a first and second time.

Ordered, That it be referred to the committee on the judiciary.

The foregoing resolution, sent up from the House for concurrence, was read a first and second time.

Ordered, That it be referred to the committee on the judiciary.

Mr. Berry, from the committee on military affairs to whom was referred the resolution relating to Indian Stream Territory, reported the same with sundry amendments—

Which were severally read and adopted.

On the question, Shall this resolution be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow at ten o'clock in the forenoon.

Mr. Martin, from the committee on the judiciary to whom was referred the resolution authorizing the Treasurer of this State to borrow a sum of money not exceeding thirty-five thousand dollars for the use of the State, reported the same without amendment.

On the question, Shall this resolution be read a third time?

It was decided in the affirmative.

On motion of Mr. Martin—

Resolved, That the rules of the Senate be so far suspended that said resolution be read a third time at the present time.

It was accordingly read a third time.

Resolved, That it pass.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

“Mr. President—The House of Representatives have passed a bill entitled ‘An act to incorporate the Eastern Rail Road in New-Hampshire;’

Also a resolution appointing Jacob C. Carter Librarian for the ensuing year—

In which they ask the concurrence of the Senate.”

The foregoing bill, sent up from the House of Representatives for concurrence, was read a first and second time.

Ordered, That it be referred to the committee on incorporations.

The foregoing resolution, received from the House was read a first and second time.

On the question, Shall this resolution be read a third time.

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow at 10 o'clock in the forenoon.

On motion of Mr. Lamprey—

The Senate adjourned.

WEDNESDAY, JUNE 15, 1836.

The Senate proceeded to the order of the day on the bill entitled 'An act to prevent fraud in the packing, pressing and vending of hay'—

Which was read a third time.

On motion of Mr. Parsons—

Ordered, That said bill be re-committed to the committee on agriculture and manufactures.

The Senate proceeded to the order of the day on bills with the following titles:

'An act to incorporate certain persons by the name of the Proprietors of Goff's Falls Bridge.'

'An act to incorporate the Union Factory Company,'

'An act to incorporate the Nashua Mechanics' Steam Company.'

'An act in amendment of an act entitled an act to incorporate a company by the name of the Proprietors of Claremont Bridge, passed July 1, 1834.'

Which were severally read a third time.

Resolved, That they pass, and their titles be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

The Senate proceeded to the order of the day on the bill entitled 'An act to incorporate the North Ville Company'—

Which was read a third time.

On motion of Mr. Martin—

Ordered, That it lie on the table.

The Senate proceeded to the order of the day on the following resolutions:

'A resolution appointing Jacob C. Carter Librarian for the ensuing year,'

'A resolution relating to Indian Stream Territory,'

'A resolution authorizing the exchange of the piece of ordnance belonging to the Artillery Company in the 27th Regiment,'

Which were severally read a third time.

Resolved, That they pass.

Ordered, That the Clerk notify the House of Representatives accordingly.

A Message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have concurred in the amendment proposed by the Honorable Senate to the resolution in favour of Cyrus Barton.

They have concurred with the Senate in the passage of a resolution designating the time when the present session shall close ; with an amendment, in which they ask the concurrence of the senate.

The House of Representatives have concurred in the second amendment proposed by the Honourable Senate to the bill entitled 'An act providing for the compensation of the officers of the civil list,' but refuse to concur in the first amendment proposed to said bill, allowing forty dollars salary to the Commissary General.

The House of Representatives have passed a bill entitled 'An act to incorporate the Sunapee Company,' in which they ask the concurrence of the Senate."

The resolution designating the time for the close of the present session, with the amendment proposed thereto by the House of Representatives, substituting 'Saturday the 18th' for 'Friday the 17th day of June instant,' having been read—

Resolved, That the Senate concur in said amendment.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Parsons—

Resolved, That the Senate *insist* on their amendment to the bill entitled 'An act providing for the compensation of the officers of the civil list,' allowing forty dollars salary to the Commissary General.

Ordered, That the Clerk notify the House of Representatives accordingly.

The bill, sent up from the House of Representatives for concurrence, entitled 'An act to incorporate the Sunapee Company,' was read a first and second time.

Ordered, That it be referred to the committee on agriculture and manufactures.

Mr. Martin, from the committee on the judiciary to whom was referred the bill entitled 'An act to protect collectors of taxes,' reported the same without amendment.

On the question, Shall this bill be read a third time ?

It was decided in the affirmative.

Ordered, That it be read a third time at 3 o'clock this afternoon.

Mr. Martin, from the same committee, to whom was referred the bill entitled 'An act in addition to an act for the punishment of certain crimes,' made a report, Whereupon—

Resolved, That the further consideration of said bill be postponed to the next session of the Legislature.

Mr. Martin, from the same committee to whom was referred the bill entitled 'An act to provide a more cheap and expeditious mode of assessing damages for lands or materials taken by Rail Road Corporations,' reported it without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at three o'clock this afternoon.

Mr. Blair, from the committee on agriculture and manufactures to whom was referred the bill entitled 'An act to prevent fraud in the packing, pressing and vending of hay,' reported the same with sundry amendments—

Which were severally read and adopted.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 3 o'clock, this afternoon.

On motion of Mr. Blair—

The Senate adjourned.

AFTERNOON.

The Senate proceeded to the order of the day on bills with the following titles:

'An act to protect collectors of taxes.'

'An act to prevent fraud in the packing, pressing and vending of hay.'

'An act to provide a more cheap and expeditious mode of assessing damages for lands or materials taken by Rail Road Corporations.'

Which were severally read a third time.

Resolved, That they pass and their titles be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Martin, from the committee on the judiciary, to whom was referred the bill entitled 'An act to incorporate the Oswego Mill Company,' made a report, Whereupon—

Resolved, That the further consideration of said bill be postponed to the next session of the Legislature, and that the grantees named in said bill give notice to all concerned, by publishing the foregoing report and this resolution three weeks successively in the New-Hampshire Patriot and State Gazette, printed at Concord, and the

Exeter News Letter, printed at Exeter, the last publication whereof to be at least thirty days before the meeting of the Legislature.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Lamprey—

The Senate resumed the consideration of the bill entitled 'An act to incorporate the North-ville Company.'

Resolved, That it pass, and its title be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Hunt, from the committee on incorporations to whom was referred the bill entitled 'An act to incorporate the Eastern Rail Road in New-Hampshire,' reported the same accompanied by the following resolution:

Resolved, That the further consideration of said bill be postponed to the next session of the Legislature, and that the grantees named in said bill give notice to all concerned, by publishing the foregoing report and this resolution three weeks successively in the New-Hampshire Patriot and State Gazette, printed at Concord, and the New-Hampshire Gazette, printed at Portsmouth, the last publication whereof, to be at least thirty days before the meeting of the Legislature.

On the question, Shall this resolution pass?

It was decided in the negative.

On motion of Mr. Martin—

Ordered, That the bill be recommitted to the committee on incorporations.

Mr. Blair, from the committee on agriculture and manufactures to whom was referred the bill entitled 'An act to incorporate the Sunapee Company,' reported the same without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow at 10 o'clock in the forenoon.

On motion of Mr. Woodbury—

The Senate adjourned.

THURSDAY, JUNE 16, 1836.

The Senate proceeded to the order of the day on the bill entitled 'An act to incorporate the Sunapee Company,'

Which was read a third time.

Resolved, That it pass, and its title be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Parsons—

The bill entitled 'An act in addition to an act entitled an act to incorporate sundry persons by the name of the President, Directors and Company of the Portsmouth Bank, passed June 10, 1803,' together with the motion to reconsider the vote adopting an amendment to the same, was taken up and considered.

On the question, Shall the vote, adopting the amendment to said bill reported by the committee on banks, be reconsidered?

It was decided in the negative.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 3 o'clock this afternoon.

Mr. Hunt, from the committee on incorporations to whom was referred the bill entitled 'An act to incorporate the Eastern Rail Road in New-Hampshire,' reported the same with sundry amendments—

Which were severally read and adopted.

On motion of Mr. Martin—

Ordered, That the bill lie upon the table.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed bills of the following titles, in which they ask the concurrence of the Senate:

'An act to incorporate the Walpole Manufacturing company,'

'An act to incorporate sundry persons by the name of the President, Directors and Company of the Sullivan County Bank,'

They have indefinitely postponed the bill entitled 'An act to incorporate the First Fire Engine Company in the town of Plymouth.'

The first of the foregoing bills, sent up from the House of Representatives for concurrence, was read a first and second time.

Ordered, That it be referred to the committee on agriculture and manufactures.

The second of said bills was read a first and second time.

Ordered, That it be referred to the committee on banks.

Mr. Parsons, from the joint committee on engrossed bills, reported that they had carefully examined and found correctly engrossed bills and resolutions with the following titles:

‘A resolution in favor of Cyrus Barton.’

‘A resolution authorizing the Treasurer of this State to borrow money for the use of the State.’

‘A resolution appointing Jacob C. Carter Librarian.’

‘A resolution directing that the business of the session be closed on Saturday the 18th instant.’

‘A resolution authorizing the Quartermaster General to exchange the piece of ordnance in the Company of Artillery in the 27th Regiment.’

‘An act to incorporate the New-England Worsted Manufacturing Company.’

‘An act in amendment of an act entitled an act to incorporate a company by the name of the Proprietors of Claremont Bridge, passed July 1, 1824.’

‘An act to incorporate a company by the name of the Proprietors of the Union Factory Company.’

‘An act to protect collectors of taxes.’

‘An act to incorporate the North ville Company.’

‘An act to provide a more cheap and expeditious mode of assessing damages for lands or materials taken by Rail Road Corporations.’

A message was received from the House of Representatives, giving information that the Speaker of that body had signed the foregoing bills and resolutions, reported as correctly engrossed by the committee on engrossed bills, and their Clerk was directed to lay them before the Senate for the signature of their President.

Thereupon, the President of the Senate signed said bills and resolutions, and the same were delivered to the committee on engrossed bills, to be laid before the Governor for his approval and signature.

Mr. Parsons, from said committee, reported that they had this day presented the aforesaid bills and resolutions, by them reported as correctly engrossed, to His Excellency the Governor for his approval.

On motion of Mr. Martin—

The bill entitled ‘An act to incorporate the Eastern Rail Road in New-Hampshire,’ was taken up and considered.

Mr. Chase, who had yesterday voted with the majority on that question, moved a reconsideration of the vote rejecting the resolution reported by the committee on incorporations, postponing the further consideration of said bill to the next session, with an order of notice in the N. H. Patriot and the N. H. Gazette.

On the question, Shall the vote rejecting said resolution be reconsidered?

It was decided in the negative.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 3 o'clock this afternoon.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives *do not recede* from their disagreement to the amendment, allowing the Commissary General a salary of forty dollars, proposed by the Honorable Senate to the bill entitled 'An act providing for the compensation of the officers of the civil list,'—ask a committee of conference, and, on their part, have appointed Messrs, Waldron, Hadley of Weare and Batchelder of Coventry."

Resolved, That the senate concur with the House of Representatives in the appointment of a committee of conference upon the disagreement of the two Houses.

Ordered, That Messrs. Berry, Martin and Fisk be joined to said committee on the part of the Senate.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Martin—

The Senate adjourned.

AFTERNOON.

Mr. Berry, from the committee of conference upon the disagreement of the two Houses in relation to the amendment, proposed by the Senate to the bill entitled 'An act providing for the compensation of the officers of the civil list,' allowing the Commissary General a salary of forty dollars, made a report, Whereupon—

Resolved, That the Senate *recede* from their disagreement to said bill.

Ordered, That the Clerk notify the House of Representatives accordingly.

The Senate proceeded to the order of the day on bills with the following titles:

'An act in addition to an act entitled an act to incorporate sundry persons by the name of the President, Directors and Company of the Portsmouth Bank, passed June 10, 1803;'

‘An act to incorporate the Eastern Rail Road in New-Hampshire.’

Which were severally read a third time.

Resolved, That they pass, and their titles be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

‘Mr. President—The House of Representatives have passed the following bills, in which they ask the concurrence of the Senate:

‘An act to alter the names of certain persons.’

‘An act to incorporate the Fall Mountain Factory Company.’

‘An act to incorporate the Merrimack River Transportation Company.’

They have concurred with the Senate in the passage of a bill entitled ‘An act to incorporate certain persons by the name of the Proprietors of the Meeting House of the Second Baptist Society in Dunstable.’

They also concur with the Senate in their amendments to the following bills and resolutions:

‘An act to incorporate the Nashua Mechanics’ Steam Company;’

‘An act to incorporate certain persons by the name of the Proprietors of Goff’s Falls Bridge;’

‘An act to prevent fraud in the packing, pressing and vending of hay;’

‘An act to incorporate the Ashuelot Manufacturing Company.’

‘A resolution in relation to the Indian Stream Territory.’

The first of the foregoing bills, sent up from the House of Representatives for concurrence, was read a first and second time.

Ordered, That it be referred to the committee on the judiciary.

The second of said bills was read a first and second time.

Ordered, That it be referred to the committee on agriculture and manufactures.

The third of said bills was read a first and second time.

Ordered, That it be referred to the committee on Incorporations.

Mr. Blair, from the joint select committee appointed to wait on Ralph Metcalf, Esq. and inform him of his election as Secretary; Abner B. Kelley, Esq. and inform him of his election as Treasurer; and Joseph Hill, Esq. and inform him of his election as Commissary General—reported that they had attended to the duty assigned

them, and that those gentlemen respectively had signified their acceptance of the several offices to which they had been elected, and had furnished the requisite bonds.

Mr. Lamprey, from the committee on Banks to whom was referred the bill entitled 'An act to incorporate sundry persons by the name of the President, Directors and Company of the Sullivan County Bank,' reported the same with amendments—

Which were severally read and adopted.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow at 10 o'clock in the forenoon.

Mr. Egerton, from the committee on schools and seminaries of learning to whom was referred the resolution requiring the selectmen of the several towns in this State to make returns of the condition of primary schools, reported the same with an amendment—

Which was read and adopted.

On the question, Shall this resolution be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow at 10 o'clock, in the forenoon.

Mr. Blair, from the committee on agriculture and manufactures to whom was referred the bill entitled 'An act to incorporate the Walpole Manufacturing Company,' reported the same without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow at 10 o'clock in the forenoon.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed the following bills and resolution, in which they ask the concurrence of the Senate:

'An act to incorporate the Jackson Iron Manufacturing Company'.

'An act to incorporate the Winchester Thief Detecting society.'

'An act to incorporate the town of Gorham.'

An act to authorize the Amoskeag Manufacturing Company to hold stock in the Concord Rail Road Corporation.

A resolution authorizing the Winnipisiogee Guards to increase their numbers."

The first of the foregoing bills, sent up from the House of Representatives for concurrence, was read a first and second time.

Ordered, That it be referred to the committee on agriculture and manufactures.

The second of said bills was read a first and second time.

Ordered, That it be referred to the committee on the judiciary.

The third of said bills was read a first and second time.

Ordered, That it be referred to the committee on incorporations.

The fourth of said bills was read a first and second time.

Ordered, That it be referred to the committee on incorporations.

The foregoing resolution, sent up from the House of Representatives for concurrence, was read a first and second time.

Ordered, That it be referred to the committee on military affairs.

A message from the House of Representatives by their Clerk:

"**Mr. President—**The House of Representatives have passed a bill entitled 'An act to sever the farm of Isaac Parker from New-Boston and annex the same to Goffstown', in which they ask the concurrence of the Senate."

The foregoing bill, sent up from the House for concurrence, was read a first and second time.

Ordered, That it be referred to the committee on incorporations.

Mr. Hunt, from the committee on incorporations to whom was referred the bill entitled 'An act to incorporate the Merrimack river Transportation Company,' reported the same without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow at 10 o'clock in the forenoon.

Mr. Martin, from the committee on the judiciary to whom was referred the bill entitled 'An act to alter the names of certain persons,' reported the same with an amendment—

Which was read and adopted.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

On motion—

Resolved unanimously, That the rules of the Senate be so far suspended that this bill be read a third time at the present time,

Said bill was accordingly read a third time.

Resolved, That it pass, and its title be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Blair, from the committee on agriculture and manufactures, to whom was referred the bill entitled 'An act to incorporate the Fall Mountain Factory Company,' reported the same with sundry amendments—

Which were severally read and adopted.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow at 10 o'clock in the forenoon.

On motion of Mr. Egerton—

Resolved, That the rules of the Senate be so far suspended that the bill, entitled 'An act to incorporate sundry persons by the name of the President, Directors and Company of the Sullivan County Bank,' be read a third time at the present time.

Said bill was accordingly read a third time.

On the question, Shall this bill pass?

Mr. Egerton demanded the yeas and nays.

Those who voted in the affirmative, were

Messrs. Lamprey, Chase, Hunt and Egerton—4.

Those who voted in the negative, were

Messrs. Parsons, Woodbury, Clark, Martin, Jones, Fisk, Berry and Blair—3.

So the bill did not pass.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Martin, from the committee on the judiciary, to whom was referred the bill entitled 'An act to incorporate the Winchester Thief Detecting Society,' reported the same without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow at 10 o'clock in the forenoon.

Mr. Hunt, from the committee on incorporations, to whom was referred the bill entitled 'An act to incorporate the town of Gorham,' reported the same without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow at 10 o'clock in the forenoon.

Mr. Hunt, from the same committee, to whom was referred the bill entitled 'An act to authorize the Amoskeag Manufacturing Company to hold stock in Concord Rail Road Corporation,' reported it without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow at 10 o'clock in the forenoon.

Mr. Berry, from the committee on military affairs to whom was referred the resolution authorizing the Winnipisiogee Guards to increase their numbers, reported the same without amendment.

On the question, Shall this resolution be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time to-morrow at 10 o'clock in the forenoon.

Mr. Blair, from the committee on agriculture and manufactures to whom was referred the bill entitled 'An act to incorporate the Jackson Iron Manufacturing Company,' reported the same with an amendment, striking out the fifth section—

Which was read and adopted.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

On motion of Mr. Blair—

Resolved unanimously, That the rules of the Senate be so far suspended that this bill be read third time at the present time.

Said bill was accordingly read a third time.

Resolved, That it pass, and its title be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Lamprey—

The Senate adjourned.

FRIDAY, JUNE 17, 1836.

The Senate proceeded to the order of the day on the bill entitled 'An act to incorporate the town of Gorham.'

On motion of Mr. Hunt—

Resolved unanimously, That the rules of the Senate be so far suspended that said bill be considered on its second reading for the purpose of amendment.

Mr. Hunt moved to amend the bill by striking out the word 'Gorham' wherever it occurred in the same, and inserting in lieu thereof the word 'Livingston.'

Which amendment was adopted.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

On motion of Mr. Hunt—

Resolved unanimously, That the rules of the Senate be so far suspended that this bill be read a third time at the present time.

Said bill was accordingly read a third time.

Resolved, That it pass, and its title be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

The Senate proceeded to the order of the day on the following bills and resolution:—

'An act to authorize the Amoskeag Manufacturing Company to hold stock in the Concord Rail Road Corporation;'

'An act to incorporate the Fall Mountain Factory Company;'

'A resolution authorizing the Winnipisiogee Guards to increase their numbers;'

Which were severally read a third time.

Resolved, That they pass, and their titles be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

The Senate proceeded to the order of the day on the bill entitled 'An act to incorporate the Winchester Thief Detecting Society'—

Which was read a third time.

On motion of Mr. Hunt—

Ordered, That the bill lie upon the table.

The Senate proceeded to the order of the day on the resolution directing the Selectmen of the several towns in this State to make returns of the condition of primary schools in their respective towns.

Which was read a third time.

On motion of Mr. Blair—

Resolved, That the further consideration of said resolution be postponed to the next session of the Legislature.

Ordered, That the Clerk notify the House of Representatives accordingly.

The Senate proceeded to the order of the day on the following bills:—

‘An act to incorporate the Walpole Manufacturing Company.’

‘An act to incorporate the Merrimack River Transportation Company.’

Which were severally read a third time.

Resolved, That they pass, and their titles be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Parsons, from the joint committee on engrossed bills, reported that they had carefully examined and found correctly engrossed bills and a resolution with the following titles:—

‘An act to incorporate the Sunapee Company.’

‘An act to incorporate the Nashua Mechanics’ Steam Company.’

‘An act to incorporate sundry persons by the name of the Proprietors of Goff’s Falls Bridge.’

‘An act to incorporate certain persons by the name of the Proprietors of the Meeting-house of the 2d Baptist Society in Dunstable.’

‘An act providing for the compensation of the officers of the Civil List.’

‘An act to incorporate the Ashuelot Manufacturing Company.’

‘An act to prevent fraud in the packing, pressing and vending of hay.’

‘An act to alter the names of certain persons.’

‘An act in addition to an act entitled an act to incorporate sundry persons by the name of the President, Directors and Company of the Portsmouth Bank, passed June 10, 1803.’

‘An act to incorporate the Jackson Iron Manufacturing Company.’

‘A resolution maintaining jurisdiction over the Indian Stream Territory.’

A message was received from the House of Representatives, giving information that the Speaker of that body had signed the foregoing bills and resolution, reported as correctly engrossed by the committee on engrossed bills, and their Clerk was directed to lay them before the Senate for the signature of their President.

Thereupon the President of the Senate signed said bills and resolution, and the same were delivered to the committee on engrossed bills, to be laid before the Governor for his approval and signature.

Mr. Parsons, from said committee, reported that they had this day presented the aforesaid bills and resolution, by them reported as correctly engrossed, to His Excellency the Governor for his approval.

A message from the House of Representatives by their Clerk:

“Mr. President—The House of Representatives have concurred in the amendments proposed by the Honorable Senate to the following bills:—

‘An act to incorporate the Jackson Iron Manufacturing Company.’

‘An act to alter the names of certain persons.’

‘An act in addition to an act entitled an act to incorporate sundry persons by the name of the President, Directors and Company of the Portsmouth Bank, passed June 10, 1803.’

‘An act to incorporate the Eastern Rail Road in New-Hampshire.’

They have passed the following bills and resolutions, in which they ask the concurrence of the Senate;—

‘A resolution making appropriations for the payment of the claims of Ira Young and others.’

‘A resolution making appropriations for the payment of the outstanding debts of the State Prison.’

‘An act authorizing an increase of members to Engine Company No. 1, in Keene.’

‘An act to change the name of Hawke to the name of Danville.’

‘An act to incorporate the Cleft Ledge Granite Company.’

‘An act to establish a corporation by the name of the Rumford Manufacturing Company.’

‘An act to incorporate the Dover and Alton Rail Road Corporation.’

‘An act to incorporate the Newport Manufacturing Company.’

‘An act to incorporate the Trustees of the Barnard Free School in South Hampton.’

‘A resolution directing the Selectmen of the several towns in this State, to insert an article in their warrant at the November election, to take the sense of the qualified voters upon the propriety of making an appropriation for the erection of an Insane Hospital.’

‘An act providing for the return of inventories.’ ”

The first of the foregoing bills, sent up from the House of Representatives for concurrence, was read a first and second time.

Ordered, That it be referred to the committee on military affairs.

The second of said bills was read a first and second time.

Ordered, That it be referred to the committee on the judiciary.

The third of said bills was read a first and second time.

Ordered, That it be referred to the committee on incorporations. The fourth of said bills was read a first and second time.

Ordered, That it be referred to the committee on agriculture and manufactures.

The fifth of said bills was read a first and second time.

Ordered, That it be referred to the committee on incorporations. The sixth of said bills was read a first and second time.

Ordered, That it be referred to the committee on agriculture and manufactures.

The seventh of said bills was read a first and second time.

Ordered, That it be referred to the committee on schools and seminaries of learning.

The eighth of said bills was read a first and second time.

Ordered, That it be referred to the committee on the judiciary.

The first of the foregoing resolutions, sent up from the House for concurrence, was read a first and second time.

Ordered, That it be referred to the committee on military affairs.

The second of said resolutions was read a first and second time.

Ordered, That it be referred to the committee on claims.

The third of said resolutions having been read,

Resolved, That it pass.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Martin, from the select committee on so much of the Governor's message as relates to the Insane, made a report, Whereupon—

Resolved, That the further consideration of the subject be postponed to the next session of the Legislature.

Mr. Martin, from the committee on the judiciary to whom was referred so much of the Governor's message as relates to the administration of justice in the collection of debts and courts of law, made a report, Whereupon—

Resolved, That the further consideration of the subject be postponed to the next session of the Legislature.

On motion of Mr. Berry—

Resolved, That when the Senate adjourn this forenoon, it be to meet again at 2 o'clock this afternoon.

Mr. Martin, from the committee on the judiciary, to whom was referred the bill entitled 'An act to change the name of Hawke to the name of Danville,' reported the same without amendment.

On the question, Shall this bill be read a third time.

It was decided in the affirmative.

Ordered, That it be read a third time at 2 o'clock, this afternoon. Mr. Martin, from the same committee to whom was referred the bill entitled 'An act providing for the return of inventories,' reported it without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 2 o'clock this afternoon.

On motion of Mr. Woodbury—

Resolved, That the joint committee on the State House and State House Yard be instructed to report some suitable person to take charge of the same the ensuing year.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Berry, from the committee on military affairs to whom was referred the bill entitled 'An act authorizing an increase of members to Engine Company No. 1, in Keene,' reported the same without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 2 o'clock this afternoon.

Mr. Blair, from the committee on agriculture and manufactures, to whom was referred the bill entitled 'An act to incorporate the Newport Manufacturing Company,' reported the same without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 2 o'clock this afternoon.

Mr. Parsons, from the committee on schools and seminaries of learning, to whom was referred the bill entitled 'An act to incorporate the Trustees of the Barnard Free School in South Hampton,' reported the same with an amendment.

Which was read and adopted.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 2 o'clock this afternoon.

On motion of Mr. Woodbury—

The Senate adjourned.

AFTERNOON.

The Senate proceeded to the order of the day on the following bills:—

‘An act to incorporate the Trustees of the Barnard Free School in South Hampton.’

‘An act to incorporate the Newport Manufacturing Company.’

‘An act authorizing an increase of members to Engine Company No. 1, in Keene.’

‘An act to change the name of Hawke to the name of Danville.’

‘An act providing for the return of inventories.’

Which were severally read a third time.

Resolved, That they pass and their titles be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

“Mr. President—The House of Representatives have passed the following bills and resolutions, in which they ask the concurrence of the Senate:

‘A resolution providing for altering and amending the seats in the Representatives’ Hall, appropriating three hundred dollars for that purpose.’

‘An act making appropriations for the militia.’

‘An act to alter the name of Samuel Leathers.’

‘A resolution relating to the several Division and Brigade Inspectors.’

‘A resolution in favor of Cyrus Barton.’

‘An act to incorporate and enlarge the Rochester Fire Engine Company.’

‘An act to annex the lands of Jonathan McIntire and others to the town of Bartlett.’

‘An act in addition to an act entitled an act relating to the organization and equipment of the militia, and for other purposes, passed January 3, 1829.’

‘An act in favor of John H. White and others.’

‘A resolution directing the cashiers of the several banking institutions in this State to make reports.’

‘A resolution authorizing His Excellency the Governor to draw on the Treasurer for a sum of money not exceeding five hundred dollars for contingent expenses.’

‘A resolution in favor of Jacob Tyler and others.’

‘An act in addition to and amendment of an act entitled an act for the laying out of highways, passed July 3, 1829.’

‘An act to incorporate the New-Hampshire Granite and Railway company.’

‘A resolution relating to the division of Strafford county.’

‘An act to incorporate the John’s River Canal Company.’

‘An address for the removal of certain officers of the militia.’

The House of Representatives do not concur in the amendment proposed by the Hon. Senate to the bill entitled ‘An act to incorporate the town of Gorham.’

They concur in the amendment proposed by the Senate to the bill entitled ‘An act to incorporate the Fall Mountain Factory Company.’

The first of the foregoing bills, sent up from the House of Representatives for concurrence, was read a first and second time.

Ordered, That it be referred to the committee on military affairs.

The second of said bills was read a first and second time.

Ordered, That it be referred to the committee on the judiciary.

The third of said bills was read a first and second time.

Ordered, That it be referred to the committee on military affairs.

The fourth of said bills was read a first and second time.

Ordered, That it be referred to the committee on incorporations.

The fifth of said bills was read a first and second time.

Ordered, That it be referred to the committee on military affairs.

The sixth of said bills was read a first and second time.

Ordered, That it be referred to the committee on claims.

The seventh of said bills was read a first and second time.

Ordered, That it be referred to the committee on the judiciary.

The eighth of said bills was read a first and second time.

Ordered, That it be referred to the committee on incorporations.

The ninth of said bills was read a first and second time.

Ordered, That it be referred to the committee on incorporations.

The first of the foregoing resolutions, received from the House, was read a first and second time.

Ordered, That it be referred to the committee on the judiciary.

The second of said resolutions was read a first and second time.

Ordered, That it be referred to the committee on military affairs.

The third of said resolutions was read a first and second time:

Ordered, That it be referred to the committee on printers' accounts.

The fourth of said resolutions was read a first and second time.

Ordered, That it be referred to the committee on banks.

The fifth of said resolutions was read a first and second time.

Ordered, That it be referred to the committee on the judiciary.

The sixth of said resolutions was read a first and second time.

Ordered, That it be referred to the committee on claims.

The seventh of said resolutions was read a first and second time.

Ordered, That it be referred to the committee on the judiciary.

The address from the House of Representatives for the removal of certain officers of the militia, having been read—

Resolved, That it pass.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Hunt moved that the Senate insist on their amendment to the bill entitled 'An act to incorporate the town of Gorham.'

Which was decided in the negative.

So the Senate receded from their amendment.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

'Mr. President—The House of Representatives have passed the following resolutions, in which they ask the concurrence of the Senate:

A resolution in favor of Jacob Tyler, and Currier and Hall.

A resolution appointing Jacob Tyler to take charge of the State House and State House Yard the ensuing year.'

The House of Representatives have concurred in the amendments proposed by the Honorable Senate to the following bills:

'An act to incorporate the Newport Manufacturing Company.'

'An act to incorporate the Trustees of the Barnard Free School in South Hampton.'

The first of the foregoing resolutions, sent up from the House, was read a first and second time.

Ordered, That it be referred to the committee on claims.

The resolution appointing Jacob Tyler to take charge of the State House and State House Yard the ensuing year, having been read—

Resolved; That it pass.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Hunt—

Resolved, That when the Senate adjourn this afternoon, they adjourn to meet at 7 o'clock this evening.

Mr. Hunt, from the committee on incorporations to whom was referred the bill entitled 'An act to incorporate the Cleft Ledge Granite Company,' reported it with an amendment—

Which was read and adopted.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 7 o'clock this evening.

Mr. Hunt, from the same committee to whom was referred the bill entitled 'An act to incorporate the John's river Canal Company,' made a report, Whereupon—

"*Resolved*, That the further consideration of said bill be postponed to the next session of the Legislature, and that the grantees named in said bill give notice to all concerned, by publishing the foregoing report and this resolution three weeks successively in the New-Hampshire Patriot and State Gazette, printed at Concord, and the Democratic Republican and General Advertiser, printed at Haverhill, the last publication whereof to be at least thirty days before the meeting of the Legislature."

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Berry, from the committee on military affairs to whom was referred the resolution making appropriations for the payment of the claims of Ira Young and others, reported the same without amendment.

On the question, Shall this resolution be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 7 o'clock this evening.

Mr. Blair, from the committee on agriculture and manufactures to whom was referred the bill entitled 'An act to establish a corporation by the name of the Rumford Manufacturing Company,' made a report, Whereupon—

Resolved, That the further consideration of said bill be postponed to the next session of the Legislature.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Blair, from the committee on agriculture and manufactures to whom was referred so much of the Governor's message as relates to the mechanic arts and the culture of the mulberry, made a report, Whereupon—

Resolved, That the further consideration of those subjects be postponed to the next session of the Legislature.

Mr. Hunt, from the committee on incorporations to whom was referred the bill entitled 'An act to sever the farm of Isaac Parker from New-Boston, and annex the same to Goffstown,' reported it without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 7 o'clock this evening.

Mr. Parsons, from the committee on the judiciary to whom was referred the bill entitled 'An act to alter the name of Samuel Leathers,' reported it without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 7 o'clock this evening.

Mr. Parsons, from the same committee to whom was referred the resolution relating to the division of Strafford County, reported it without amendment.

On the question, Shall this resolution be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 7 o'clock this evening.

Mr. Parsons, from the same committee to whom was referred the resolution appropriating five hundred dollars for contingent expenses, reported it without amendment.

On the question, Shall this resolution be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 7 o'clock this evening.

Mr. Martin, from the same committee to whom was referred the resolution appropriating 300 dollars for altering and amending the seats in the Representatives' Hall, reported it without amendment.

On the question, Shall this resolution be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 7 o'clock this evening.

Mr. Hunt, from the committee on incorporations to whom was referred the bill entitled 'An act to incorporate the N. H. Granite and Railway Company,' made a report, Whereupon—

"Resolved, That the further consideration of said bill be postponed to the next session of the Legislature, and that the grantees named in said bill give notice to all concerned, by publishing the foregoing report and this resolution in the N. H. Patriot and State Gazette, printed at Concord, three weeks successively, the last publi-

cation whereof to be at least thirty days before the meeting of the Legislature."

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Chase, from the committee on claims to whom was referred the resolution making an appropriation for the payment of the outstanding debts of the State Prison, reported the same without amendment.

On the question, Shall this resolution be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 7 o'clock this evening.

Mr. Hunt, from the committee on incorporations, to whom was referred the bill entitled 'An act to incorporate the Dover and Alton Rail Road Corporation,' made a report, Whereupon--

"*Resolved*, That the further consideration of said bill be postponed to the next session of the Legislature, and that the grantees named in said bill give notice to all concerned, by publishing the foregoing report and this resolution three weeks successively in the New-Hampshire Patriot and State Gazette, printed at Concord, and the Dover Gazette and Strafford Advertiser, printed at Dover, the last publication whereof to be at least thirty days before the meeting of the Legislature."

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Berry, from the committee on military affairs to whom was referred the bill entitled 'An act in addition to an act entitled an act relating to the organization and equipment of the militia and for other purposes, passed Jan. 3, 1829,' reported it without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 7 o'clock this evening.

Mr. Berry, from the same committee to whom was referred the bill entitled 'An act making appropriations for the militia of this State for the year 1836,' reported it without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 7 o'clock this evening.

Mr. Jones, who had voted with the majority on that question, moved a reconsideration of the vote adopting the resolution postponing the bill entitled 'An act to incorporate the N. H. Granite and Rail way Company,' to the next session with an order of notice.

On the question, Shall the vote adopting said resolution, be reconsidered?

It was decided in the negative.

Mr. Parsons, from the committee on the judiciary to whom was referred the bill entitled 'An act in addition to and amendment of an act for the laying out of highways, passed July 3, 1829,' made a report—Whereupon,

Resolved, That the further consideration of said bill be postponed to the next session of the Legislature.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Egerton, from the committee on printers' accounts to whom was referred the resolution in favor of Cyrus Barton, reported the same without amendment.

On the question, Shall this resolution be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 7 o'clock this evening.

Mr. Chase, from the committee on claims, to whom was referred the bill entitled 'An act in favor of John H. White and others,' reported the same without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 7 o'clock this evening.

Mr. Chase, from the same committee, to whom was referred the resolution in favor of Jacob Tyler and others, reported it without amendment.

On the question, Shall this resolution be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 7 o'clock this evening.

Mr. Hunt, from the committee on incorporations to whom was referred the bill entitled 'An act to annex the lands of Jonathan McIntire and others to the town of Bartlett,' reported the same without amendment.

On the question, Shall this bill be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 7 o'clock this evening.

Mr. Lamprey, from the committee on banks to whom was referred the resolution directing the cashiers of banks in this State to make returns of their condition, reported the same without amendment.

On the question, Shall this resolution be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 7 o'clock this evening.

Mr. Berry, from the committee on military affairs to whom was

referred the resolution relating to the duties of Division and Brigade Inspectors, reported the same without amendment.

On the question, Shall this resolution be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 7 o'clock this evening.

Mr. Berry, from the same committee to whom was referred the bill entitled 'An act to incorporate and enlarge the Rochester Fire Engine Company,' made a report—Whereupon,

Resolved, That the further consideration of said bill be postponed to the next session of the Legislature.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Chase, from the committee on claims to whom was referred the resolution in favor of Jacob Tyler and Currier and Hall, reported the same without amendment.

On the question, Shall this resolution be read a third time?

It was decided in the affirmative.

Ordered, That it be read a third time at 7 o'clock this evening.

On motion of Mr. Berry—

The Senate adjourned.

EVENING SESSION.

SEVEN O'CLOCK.

The Senate proceeded to the order of the day on the following bills and resolutions:—

'An act to incorporate the Cleft Ledge Granite Company.'

'An act to sever the farm of Isaac Parker from New-Boston, and annex the same to Goffstown.'

'An act to alter the name of Samuel Leathers.'

'An act in addition to an act entitled an act relating to the organization and equipment of the militia, and for other purposes, passed January 3, 1829.'

'An act making appropriations for the militia of this State for the year 1836.'

'An act in favor of John H. White and others.'

'An act to annex the lands of Jonathan McIntire and others to the town of Bartlett.'

'A resolution directing the sense of the voters in Strafford County to be taken on the division of the same.'

'A resolution making an appropriation for the payment of the claims of Ira Young and others.'

‘A resolution making an appropriation for contingent expenses.’

‘A resolution making an appropriation for altering and amending the seats in the Representatives’ Hall.’

‘A resolution in favor of Cyrus Barton.’

‘A resolution in favor of Jacob Tyler and others.’

‘A resolution making an appropriation for the payment of the outstanding debts of the State Prison.’

‘A resolution in favor of Jacob Tyler, and Currier and Hall.’

‘A resolution relating to the duties of Division and Brigade Inspectors.’

‘A resolution directing cashiers of banks to make returns of their condition.’

Which were severally read a third time.

Resolved, That they pass, and their titles be as aforesaid.

Ordered, That the Clerk notify the House of Representatives accordingly.

A message from the House of Representatives by their Clerk:

“Mr. President—The House of Representatives have passed the following resolutions, in which they ask the concurrence of the Senate:

A resolution directing the Secretary to furnish the Laws of the State to the Register of Probate in Cheshire County.

A resolution in favor of J. B. Wiggin.”

The first of the foregoing resolutions, from the House, was read a first and second time.

On the question, Shall this resolution be read a third time?

It was decided in the affirmative.

On motion of Mr. Egerton—

Resolved, That the rules of the Senate be so far suspended that it be read a third time at the present time.

Said resolution was accordingly read a third time.

Resolved, That it pass.

Ordered, That the Clerk notify the House of Representatives accordingly.

The second of said resolutions was read a first and second time.

On the question, Shall this resolution be read a third time?

It was decided in the affirmative.

On motion of Mr. Parsons—

Resolved, That the rules of the Senate be so far suspended that

this resolution be read a third time at the present time.

Said resolution was accordingly read a third time.

Resolved, That it pass.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Parsons, from the joint committee on engrossed bills, reported that they had carefully examined and found correctly engrossed bills and a resolution with the following titles:—

‘An act to incorporate the Merrimack River Transportation Company.’

‘An act to incorporate the Walpole Manufacturing Company.’

‘An act to incorporate the Newport Manufacturing Company.’

‘A resolution authorizing the officers of the Winnipisiogee Guards to enlist six soldiers from the tenth regiment.’

A message was received from the House of Representatives, giving information that the Speaker of that body had signed the foregoing bills and resolution, reported as correctly engrossed by the committee on engrossed bills, and their Clerk was directed to lay them before the Senate for the signature of their President.

Thereupon the President of the Senate signed said bills and resolution, and the same were delivered to the committee on engrossed bills, to be laid before the Governor for his approval and signature.

Mr. Parsons, from said committee, reported that they had this evening presented the aforesaid bills and resolution, by them reported as correctly engrossed, to His Excellency the Governor for his approval.

A message from the House of Representatives by their Clerk:

“Mr. President—I am directed to inform the Honorable Senate, that the House of Representatives have concurred in their amendments to the bill entitled ‘An act to incorporate the Cleft Ledge Granite Company.’”

On motion of Mr. Parsons—

The bill entitled ‘An act to incorporate the Winchester Thief Detecting Society,’ was taken up and considered.

On motion of Mr. Parsons—

Resolved, That the further consideration of said bill be postponed to the next session of the Legislature.

Ordered, That the Clerk notify the House of Representatives accordingly.

On motion of Mr. Berry—

Resolved, That when the Senate adjourn this evening, it be to meet again at 5 o'clock to-morrow morning.

On motion of Mr. Berry—

The Senate adjourned.

SATURDAY, JUNE 18, 1836.

A message from the House of Representatives by their Clerk:

"Mr. President—The House of Representatives have passed a resolution, making appropriations for the deaf, dumb, blind and partially blind, in which they ask the concurrence of the Senate."

The foregoing resolution, was read a first and second time.

On the question, Shall this resolution be read a third time?

It was decided in the affirmative.

On motion of Mr. Woodbury—

Resolved, That the rules of the Senate be so far suspended that this resolution be read a third time at the present time.

Said resolution was accordingly read a third time.

Resolved, That it pass.

Ordered, That the Clerk notify the House of Representatives accordingly.

The following resolution, laid on the table by Mr. Fisk, was read by the Clerk and unanimously adopted:—

"*Resolved*, That the Senate cordially express their acknowledgements to the Hon. James Clark, for his judicious, able and impartial discharge of the arduous duties of President of the Senate during the present session of the Legislature."

To which the President replied—

"SENATORS:—

In my first attempt to discharge the duties of this high and responsible office, I found myself obliged to request the indulgence of the Senate to excuse the errors into which my inexperience in the duties of the Chair might inadvertently lead me, and with a high sense of gratitude for their favor, mingled with anxiety for the success of my endeavors, suitably to perform its duties.

If I have in a degree succeeded, that success has in a great measure resulted from the uniform urbanity, courtesy, kindness and support which has at all times been extended by each and every member of this House, and while I possess the proud satisfaction of having endeavored to perform its duties uprightly and impartially, I

feel the more deeply impressed with this expression of your approbation and continued support, which demands and has implanted in my heart sentiments of gratitude which I can never forget or cease to remember and cherish, until life itself shall cease.

It is with the utmost pleasure, that I bear witness to the industry and attention which has been paid by the members of this body to the public business which has been presented for their consideration and action during the present session, and as we are soon to separate, to again join and move in the society of our constituents, it may justly be expected that on our again assembling for the discharge of our official duties, we may come enriched by their counsel—be the better enabled to consult their wishes, and to discharge the duties which we owe to them and to the State in guarding with a jealous eye their rights, and carefully preserving the free institutions of the State.

Be pleased to accept, Gentlemen, my best wishes for your present and future welfare, and long may you remain faithful sentinels on the watch-tower of liberal and free principles, ever ready to sound the alarm whenever the free institutions of our country may be assailed, let it come in whatever guise or shape, and receive the rich reward of an approving conscience, and the plaudits of a grateful country."

Mr. Parsons, from the joint committee on engrossed bills, reported that they had carefully examined and found correctly engrossed, bills, resolutions and an address with the following titles:—

‘A resolution in favor of Cyrus Barton.’

‘A resolution appointing Jacob Tyler keeper of the State House and State House Yard.’

‘A resolution in favor of Jacob Tyler and others.’

‘A resolution in favor of Ira Young and others.’

‘A resolution requiring the Selectmen of the several towns in this State to insert an article in their respective warrants at the November election in relation to the expediency of building an Insane Hospital.’

‘A resolution for altering the seats in the Hall of the House of Representatives.’

‘A resolution requiring an additional return from banks.’

‘A resolution in relation to the division of the county of Strafford.’

‘A resolution appropriating money for the State Prison.’

‘A resolution appropriating five hundred dollars for contingent expenses.’

‘A resolution in favor of J. B. Wiggin.’

‘A resolution in favor of Jacob Tyler and Currier and Hall.’

‘A resolution requiring Division and Brigade Inspectors to make returns.’

‘A resolution allowing a copy of the laws of the State to the Court of Probate in Cheshire County.’

‘An act to change the name of Hawke to the name of Danville.’

‘An act to authorize the Amoskeag Manufacturing Company to hold stock in the Concord Rail Road Corporation.’

‘An act authorizing an increase of members to Engine Company No. 1, in Keene.’

‘An act to incorporate the town of Gorham.’

‘An act to incorporate the Eastern Rail Road in New-Hampshire.’

‘An act to incorporate the Cleft Ledge Granite Company.’

‘An act making appropriations for the militia for the year 1836.’

‘A resolution making an appropriation for the education of the indigent deaf, dumb and blind children of this State.’

‘An act providing for the return of inventories.’

‘An act to incorporate the Fall Mountain Factory Company.’

‘An act to sever the farm of Isaac Parker from New-Boston and annex the same to Goffstown.’

‘An act in addition to an act relating to the organization and equipment of the Militia, and for other purposes, passed January 3, 1829.’

‘An act to incorporate the Trustees of the Barnard Free School in South Hampton.’

‘An act in favor of John H. White and others.’

‘An act to alter the name of Samuel Leathers.’

‘An act to annex the lands of Jonathan McIntire and others to the town of Bartlett.’

‘An address to His Excellency the Governor for the removal of sundry officers.’

A message was received from the House of Representatives, giving information that the Speaker of that body had signed the foregoing bills, resolutions and address, reported as correctly engrossed by the committee on engrossed bills, and their Clerk was directed to lay the same before the Senate for the signature of their President.

Thereupon the President of the Senate signed said bills, resolutions and address, and the same were delivered to the committee on engrossed bills, to be laid before the Governor for his approval and signature.

Mr. Parsons, from said committee reported that they had this day presented the aforesaid bills, resolutions and address to His Excellency the Governor for his approval.

On motion of Mr. Lamprey—

Resolved, That the Senate have a recess until half past seven o'clock.

HALF PAST SEVEN.

A message from the House of Representatives by their Clerk:

“Mr President—The House of Representatives have passed a resolution appointing Messrs. Perley, Nesmith, Shattuck, Goodhue, Smith of Sanbornton, Chase, Dinsmoore, Kimball of New-London, Pettingill, and Pillsbury, with such as the Senate may join, a committee to wait upon His Excellency the Govenor and inform him that, the business of the present session being closed, the Legislature is now ready to adjourn to meet again at the Capitol in Concord, on Wednesday the twenty third day of November next.”

On motion of Mr. Hunt—

Resolved, That the Senate concur in the appointment of a committee agreeably to said resolution.

Ordered, That Messrs. Hunt and Egerton be joined to said committee on the part of the Senate.

Ordered, That the Clerk notify the House of Representatives accordingly.

Mr. Hunt from the joint committee appointed to wait upon His Excellency the Governor and inform him that the Legislature are now ready to adjourn, reported that they had attended to the duty assigned them.

A message from His Excellency the Governor by Mr. Metcalf, Secretary of State:—

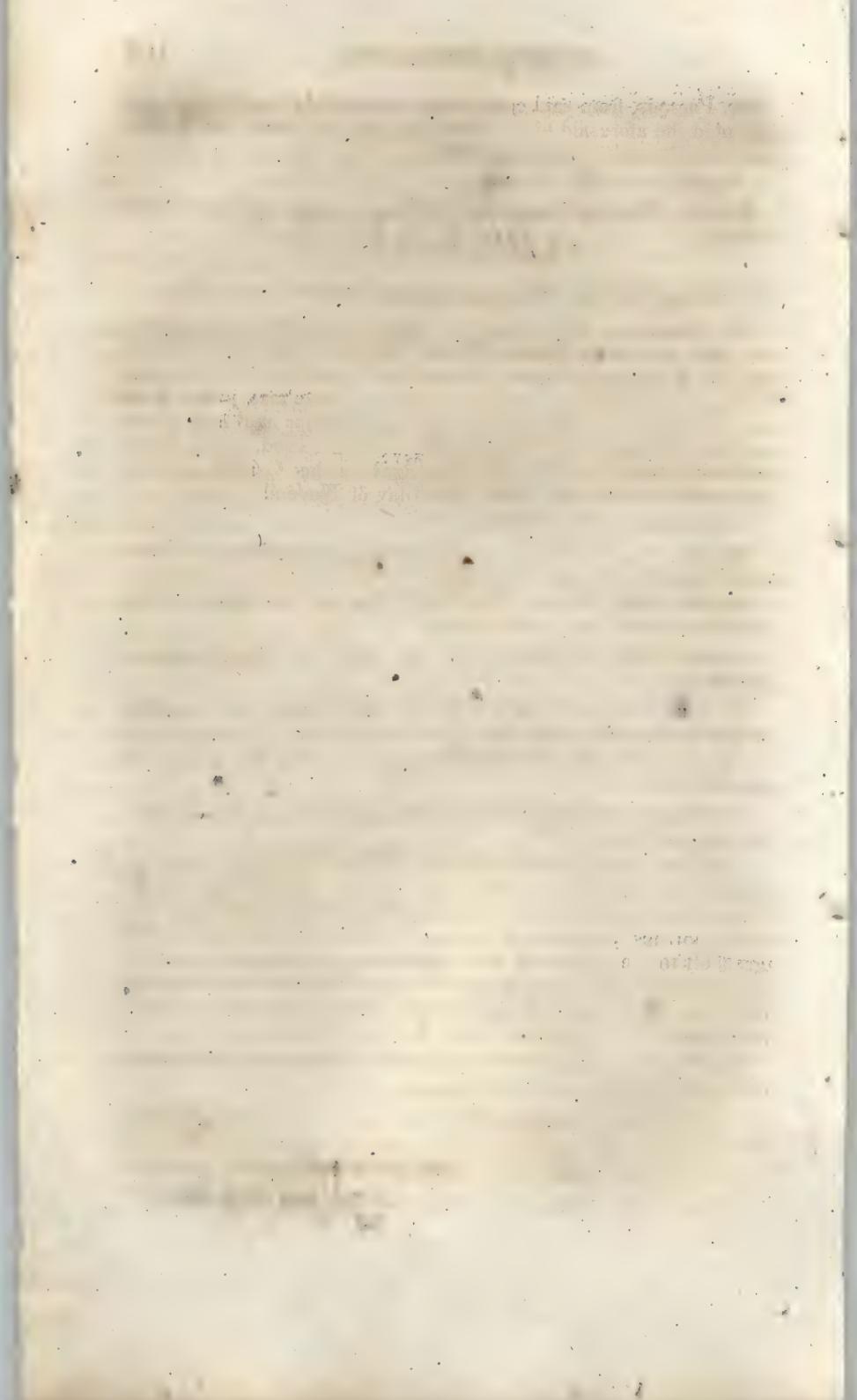
“Mr. President—I am directed by His Excellency the Governor to inform the Honorable Senate, that he has approved and signed all the bills, the resolutions, and an address, which have been presented for his approbation during the present session, and that, agreeably to the request of the Legislature, as expressed to him by their committee, he now adjourns the General Court to Wednesday the twenty third day of November next, then to meet at the Capitol in Concord.”

The President then declared the Senate adjourned to Wednesday the twenty third day of November next.

Attest—

ASA FOWLER,

Clerk of the Senate.



APPENDIX.

An act in addition to, and in amendment of an act declaring the mode of conveyance by deed, passed June, 29, 1829.

SECTION 1. *Be it enacted by the Senate and House of Representatives in General Court convened,* That all deeds or other conveyances of any lands, tenements or hereditaments, lying in this State, signed, sealed and acknowledged, as is in and by the act to which this is in addition required, may be recorded at length in a book of records to be kept for that purpose by the town Clerks, in the several towns and places in this State where such lands, tenements or hereditaments lie. And hereafter no deed of bargain and sale, mortgage, or other conveyance in fee-simple, fee-tail, or for term of life, or any lease for more than seven years from the making thereof, of any lands, tenements or hereditaments in this State, shall be good and effectual in law to hold such lands, tenements or hereditaments, against any other person but the grantor or grantors, and their heirs only, unless such deed or deeds, or other conveyance thereof, be first recorded at length in a book of records by the town Clerk in the town or place where such lands, tenements or hereditaments lie. And said deed or other conveyances being recorded as aforesaid, may or may not, as the grantee or lessee thereof shall determine, be afterwards recorded in the office of the recorder of deeds as is now by law provided. And all rights secured or acquired, and all things to be done, in and by the act to which this is in addition, to secure or enforce the acknowledgement of any deed of bargain and sale, mortgage, or other conveyance as aforesaid, shall be as good and effectual in law if recorded in the town Clerk's office, as if recorded in the registry of deeds as now by law provided.

SEC. 2. *And be it further enacted,* That all executions that shall be served and satisfied in whole or in part, by being levied on any real estate—the creditor therein mentioned shall cause the same to be firstly entered and recorded at length,

with the return, in the records in the town Clerk's office in the same town or place in which such real estate shall lie; and the same may or may not be afterwards recorded in the office of the register of deeds, as is now by law provided. And no execution, extended upon any lands, tenements or hereditaments shall be good and effectual in law to hold the same against any other person or persons than the debtor and his heirs, unless the same shall be recorded as aforesaid.

SEC. 3. *And be it further enacted*, That no person shall be eligible to the office of town Clerk, who shall not be at the time of his election a free holder and resident in the town in which he is elected; and no person shall be considered as qualified to enter upon the duties of said office, for the purpose of recording deeds and other instruments of conveyance, until he shall have taken the oath by law prescribed for civil officers, and have given bond for the faithful discharge of the trust, with such sureties and in such penal sum as the Selectmen of the town for the time being shall order; which sum shall in no case be less than one thousand dollars, nor more than ten thousand dollars.

SEC. 4. *And be it further enacted*, That the bonds, to be given by the town Clerk as aforesaid, shall be given to the town by its corporate name, and shall be for the benefit of the person or persons injured by the misconduct of the town Clerk in his said office of register of deeds; and shall be put in suit by order of the Selectmen for the time being, and execution shall issue from time to time for all such sums as any person or persons shall have recovered judgment for against such town Clerk, and for which they shall not have otherwise obtained satisfaction.

SEC. 5. *And be it further enacted*, That it shall be the duty of the town Clerk to keep his office open daily in the same town, Sundays excepted, and to keep the books, records, files and papers to the said office belonging; and for the fees now by law given and established to recorders of deeds, to record all deeds and instruments in said office to be recorded that shall be brought to him for that purpose; and every deed received and filed by the town Clerk shall be recorded by him, and he shall not suffer the same to be taken out of the office until the same be recorded. And the books to be used for said purpose, shall each consist of six quires of demy record paper, rul-

ed, and bound in Russia calf, or sheep, with Russia calf backs and corners.

SEC. 6. *And be it further enacted*, That the town Clerks in the several towns be directed and required to keep a general index referring to deeds. The index shall contain two lists, one to consist of all the names of the grantors to the grantees, the other to consist of all the names of the grantees from the grantors. And as often as any deeds are recorded, and at the time of recording the same, the names of the grantors and grantees shall be added to said lists. And any town Clerk who shall neglect to comply with these directions, shall forfeit for each and every neglect the sum of ten dollars, to be recovered by an action of debt, in the name of the town, for the use of the town.

SEC. 7. *And be it further enacted*, That all copies, made by the several town Clerks from their respective records, shall be read in evidence in all cases, when the same might have been by law admitted in evidence if made by a register of deeds.

SEC. 8. *And be it further enacted*, That so much of the first section of the act to which this is in addition, and so much of all other acts or parts of acts as are inconsistent with the provisions of this act, be and the same hereby are repealed.

SEC. 9. *And be it further enacted*, That this act shall not take effect until the first day of April next.

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*Opinion of the Justices of the Superior Court as to the
Constitutionality of the foregoing bill, communicated to the
Senate, June Session 1835, agreeably to a resolve of the pre-
vious year.*

The undersigned, Justices of the Superior Court of Judicature, having, at the request of a committee of the Honorable Senate, attentively examined the bill which is hereunto annexed, in order to form an opinion whether any of the provisions of said bill are repugnant to the Constitution, beg leave to submit the following as their opinion upon the subject.

The only clause in the Constitution, which seems to have any bearing whatever upon the question we are to consider, is the clause relating to the choice of registers of deeds. And as the history of that clause may tend to throw some light upon its nature and purpose, we have endeavored to trace it up to its first introduction as a Constitutional provision in this State.

The first Constitution of this State was formed and adopted by a congress of the colony on the 5th January 1776. That Constitution contained the following provisions. "That civil officers for the colony and for each county, be appointed, and the time of their continuance in office be determined, by the two houses—except clerks and county treasurers, and recorders of deeds."

"That a treasurer and a recorder of deeds for each county be annually chosen by the people of each county respectively: the votes for such officers to be returned to the respective courts of general sessions of the peace in the county, there to be ascertained as the council and assembly shall hereafter direct."

On the 13th December, 1776, a statute was passed entitled "An act for regulating the choice of county treasurers and recorders of deeds in the several counties in this State;" which provided that those officers should be chosen annually in the month of March, substantially in the manner they have ever since been elected.

On the 31st October, 1783, a new Constitution was adopted which contained the following provisions on this subject: "The county treasurers and registers of deeds shall be elected by the inhabitants of the several towns in the several counties of this State, according to the method now practised and the laws of the State. And before they enter upon the business of their offices, they shall be respectively sworn faithfully to discharge the duties thereof, and shall severally give bond with sufficient sureties, in a reasonable sum for the punctual performance of their respective trusts."

On the 8th June, 1791, another statute was passed entitled "An act prescribing the duty and directing the mode of choosing registers of deeds and county treasurers;" but this act did not take effect until 15th September 1792.

The present Constitution was established September 5th, 1792, and contains the following provisions on this subject:—

"The county treasurers and registers of deeds shall be elected by the inhabitants of the several towns in the several counties in the State, according to the method now practised and the laws of the State. *Provided nevertheless*—The Legislature shall have authority to alter the manner of certifying the votes and the mode of electing those officers, but not so as to deprive the people of the right they now have of electing them.

And the Legislature, on the application of the major part of the inhabitants of any county, shall have authority to divide the same into two districts for registering deeds, if to them it shall appear necessary—each district to elect a register of deeds; and before they enter upon the business of their offices, shall be respectively sworn faithfully to discharge the duties thereof, and shall severally give bond, with sufficient sureties, in a reasonable sum for the use of the county, for the punctual performance of their respective trusts."

These are believed to be all the Constitutional provisions, which have ever existed in this State on the subject. And it is to be observed that no provision in any Constitution has established the office of register of deeds, or prescribed the duties of the office; nor has any provision ever made it necessary to record a deed in any place, or declared the legal effect of such a record.

The provincial act of the 13 William 3, Chapter 12, enact-

ed that deeds executed in a particular manner, and acknowledged, and recorded at length in the records of the Province, should be valid to pass real estate, without any other act or ceremony in law whatever; established the fees of the recorder; and declared that the records should "not be committed into the hands of any person whatsoever as recorder, unless he was a person of honor, integrity, a free holder, and of valuable estate."

When the Province was divided into counties, in 1771, the act by which that was effected, contained a provision as follows: "And the register or recorder of deeds and conveyances of real estate for each separate county, shall be separately named and appointed by the governor, council and assembly, agreeably to and as has been the usual practice in this province in appointing recorders for the province."

When the first Constitution was established in 1776, registers of deeds were county officers, appointed by the government, whose duties and qualifications were prescribed by statute. And it is exceedingly clear that the only purpose and object of the provision inserted in that Constitution relating to registers of deeds, was the transfer of the appointment from the government to the people, and that the office was left in every other respect subject to the control of the Legislature.

The Constitution of 1783 merely prescribed that registers of deeds should be elected by the people according to the method then in practice, and that "they should be sworn and give bonds; leaving the office subject to the control of the Legislature in every other respect.

The Constitution now in force prescribes that registers of deeds shall be elected by the people; that the right of electing them shall not be taken from the people: that the Legislature may divide the counties each into two districts and each district elect a register; and that the registers shall be sworn and give bond. These are all the restrictions on the power of the Legislature on this subject contained in the present Constitution.

Perhaps it may be fairly inferred from the express grant of power to divide each county into two districts, that the intention was that no county should be divided into more than two districts. It will, however, be very difficult to find any sound reason for such a provision. For admitting such to have been

the intention, as the Legislature possesses the undoubted power to divide the State into as many counties as it may see fit, still the State might be divided by the Legislature, under the Constitution so interpreted, into counties in such a manner as to make every town in the State a district for registering deeds, without any violation of the Constitution.

We have before remarked that the office of register of deeds is not established by the Constitution. Yet, still, it may perhaps be so recognized and adopted in the Constitution, as to place it beyond the power of the Legislature to abolish it. But, however this may be, it is certainly adopted and established only as a county office.

It now only remains to compare the bill which has been submitted to our consideration with these provisions in the Constitution, and see if there be any conflict between the bill and those provisions.

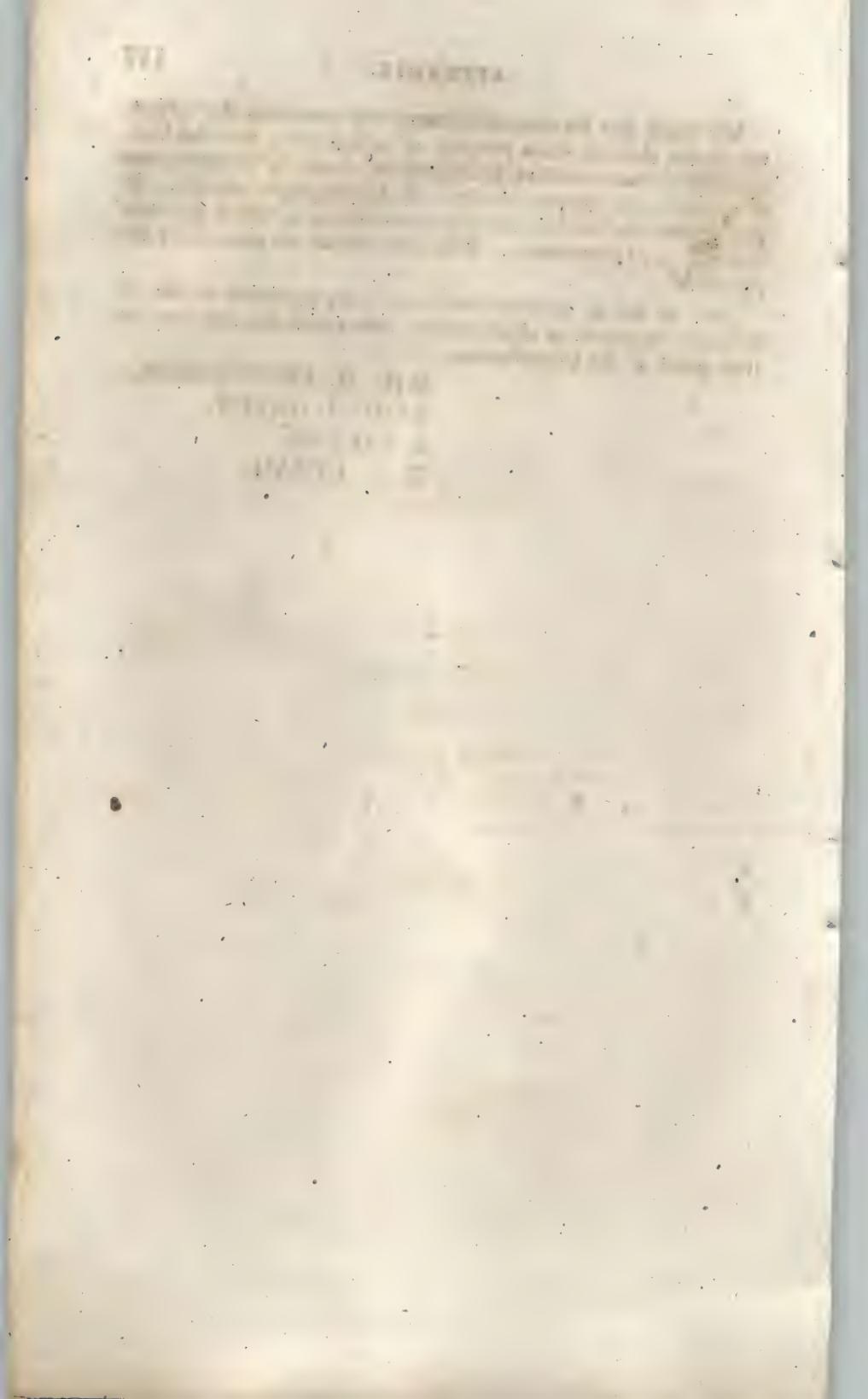
This bill does not propose to abolish the office of register of deeds for the counties, nor to alter the mode of election, the qualifications of the registers, or the nature of their duties. It however proposes to make it unnecessary to record deeds in the county registries, and this will undoubtedly diminish the business of the office and render it of much less importance to community, than it has hitherto been. But we see nothing in all this that is inconsistent with any provision of the Constitution. It is no where provided in the Constitution that deeds shall be recorded any where. And if the Legislature should see fit to substitute the common law mode of conveyance by feoffment with livery of seizin for the modes now in use, and thus render recording unnecessary in any case, such a measure would be in conflict with no provision of the Constitution.

This bill proposes to make it necessary for certain purposes that all deeds of land shall be recorded in the office of the Clerk of the town where the land lies; and to give to such recording all the legal effect of a recording in the registry of deeds for the county. It proposes to create no new office, but to superadd the duties of recording deeds to the duties of town clerks. In all this we see nothing repugnant to the Constitution. For although it be admitted that the Legislature cannot divide the counties into more than two districts for the purpose of establishing county registers of deeds, still there is certainly nothing in the Constitution which prohibits the making of the offices of town clerks registries of deeds for towns.

We think that no one, who attentively considers the subject, will doubt that the main purpose of introducing into the Constitution a clause relative to registers of deeds for counties, was to secure to the people the right of electing those officers. In this respect the bill we are now considering is within the very spirit of the Constitution. For town clerks are elected by the people.

And we are of opinion that there is no provision in the bill hereunto annexed, at all in conflict either with the letter or the true spirit of the Constitution.

WM. M. RICHARDSON,
SAMUEL GREEN,
J. PARKER,
N. G. UPHAM.



INDEX.

A

	Page.
Accounts of Treasurer,	14 67 75
Address for removal of officers,	95 96 106
Adjournment,	49 63 69 78 82 107
Administration, that nearest the people best,	22 23 24
" national,	45 46 47
Agriculture and the arts,	40 41 42 55 97
Alteration of names,	84 86 90 91 94 98
Amoskeag Manufacturing Company,	85 88 89 106
Artillery in 27th regiment,	70 74 77 82
Ashuelot Manufacturing Company,	70 73 84 90
Attachment and distress for debt,	37

B

Banks and banking,	27 28 29 30 55
Bank, Sullivan county,	81 85 86
Baptist Society, Second in Dunstable,	17 49 50 51 64 66 84 90
Barnard Free School,	91 93 94 96 106
Barton Cyrus, in favor of,	66 69 78 82 94 100 102 105
Bellamy Manufacturing Company,	62 64 65 72
Blind, deaf and dumb,	38 39 55 104 106
Bristol Manufacturing Company,	14 49 50 51 62 72

C

Carter, Jacob C., Librarian,	76 77 82
Cashiers of banks to make returns,	94 100 102 105

Chairman elected,	3
Civil list, compensation of,	70 73 74 75 78 83 90
Civil process,	37
Claremont Bridge,	70 72 77 82
" Manufacturing Company,	66 73
Cleft Ledge Granite Company,	91 97 101 103 106
Clerks chosen and qualified,	4
Collectors of taxes,	75 78 79 82
Committee, to report rules,	4 6 8 12
" to wait on Governor,	5 7 11 14 47 48 58 107
" on votes for Governor,	6 7 8
" on votes for Counsellors,	8 16 17
" to audit Treasurer's accounts,	14 67 75
" to procure printed rules,	48
" to assign committee rooms,	48 50 51
" to report time of adjournment,	49 63
" to consider Governor's message,	54
" to fix time of second session,	56 57
" to inform Hon. John Page of his election,	58 59
" to wait on Secretary and others,	62 63 84
" of conference,	83
Committees, standing,	12 14
" select, on Governor's message,	55 66 92
Commissary General,	59 75 78 83
Contingent expenses,	94 98 102 105
Conventions of the two Houses,	5 6 7 15 59
Conveyance by deed; (see appendix)	50 56
Corporations in general,	35 36
Counsellors elected,	16 17 47
Courts, administration of justice in,	24 25 26 55 92
Currency, regulation of the,	27 28 29 30 55

D

Danville,	91 92 94 106
Deaf, dumb and blind,	38 39 55 104 106
Deed, conveyance by, (see appendix)	50 56
Division and Brigade Inspectors,	94 100 102 106
Division of Strafford county,	95 98 101 105
Dover and Alton Rail Road,	91 99
Dunstable, Second Baptist society in,	17 49 50 51 64 66 84 90

E

Eastern Rail Road in N. H.	76 80 81 82 84 91 106
Economy of state government	22 23

Education,	38 39 55
Elections,	3 4 6 7 15 58 59
Engine Company No. 1, in Keene,	91 93 94 186
Engrossed Bills,	14 72 81 82 90 103 105 106
Executive department,	44
Expenses, contingent,	94 98 102 105

F

Fall Mountain Factory Company,	84 86 89 95 106
First Fire Engine Company in Plymouth,	65 69 71 72 81
Fowler Asa, in favor of,	59 60 61 72
Franklin Aqueduct Company,	62 63 64 72
Franklin Foundry,	59 60 63 64 72

G

General government, its power and duties,	17 18 19 20 21 22 23 24
Goff's Falls Bridge,	70 74 77 84 90
Gorham, town by the name of,	85 87 88 89 95 96 106
Governor, messages of	17 47 52 107
" qualified,	15
" votes for,	6 7
Granite Company, Cleft Ledge,	94 97 101 103 106
Granite and Rail Way Company,	95 98

H

Hancock Literary and scientific Institution,	62 65 67 72
Harrisville Manufacturing Company,	62 64 65 72
Hawke, changed to Danville,	91 92 94 106
Hay, act to prevent fraud in,	70 74 77 79 84 90
Henniker Academy,	65 67 72
Highways, act in addition for laying out	49 54 55 57
" " in amendment " "	95 100
Hill Joseph, Commissary General,	59
Hospital for the Insane,	39 40 55 91 92 105

I

Imprisonment for debt,	37
Indian Stream Territory,	70 75 77 84 90
Industry, female,	42
Insanity and Insane Hospital,	39 40 55 91 92 105
Inspectors, Division and Brigade,	94 100 102 106
Instruction, right of,	20
Internal improvements,	20 21
Inventories, return of,	91 93 94 106

J

Jackson Iron Manufacturing Company, 85 88 90 91
 John's River Canal Company 95 97
 Justice, administration of 24 25 54 92
 Justices of Superior Court, their opinion, (see appendix.)

K

Keene Engine Company, 91 93 94 106
 Keeper of State House and Yard, 93
 Kelly Abner B. Treasurer, 59

L

Lane Charles, in favor of, 59 60 61 72
 Leathers Samuel, name changed, 94 98 106
 Legislation, national, 18 19 20
 Librarian, 76 77 82
 Literature and its institutions, 38 39

M

McIntire Jonathan and others, 94 100 101 106
 Mascomy Manufacturing Company, 62 64 65 72
 Merrimack River Transportation Company, 84 86 90 103
 Messages of Governor, 17 47 52 107
 Message referred, 54 55 56
 Metcalf Ralph, Secretary, 59
 Militia, utility of, 43 55
 " equipment of, 94 99 101 106
 " appropriations for, 94 99 101 106
 Mineralogical survey of the State, 42 43
 Mulberry, cultivation of, 41 42 55 97
 Municipal regulations, 26

N

Names, alteration of, 84 86 90 91
 Nashua Mechanics' Steam Company, 70 74 77 84 90
 New England Worsted Manufacturing Company, 66 71 72 82
 New-Hampshire Granite and Railway Company, 95 98
 Newport Manufacturing Company, 91 93 94 96 103
 Northville Company, 70 73 77 80 82

O

Opinion of the Justices of Superior Court, (see appendix) 34
 Organization of Senate,

Organization of House,	5
Oswego Mill Company,	70 79

P

Parker Isaac, farm of,	86 98 101 106
Plymouth Fire Engine Company,	65 69 71 72 81
Portsmouth Bank,	61 64 66 81 83 90 91
Postponement to next Session,	56 73 78
	79 89 92 97 98 99 100 101 103
Prayers,	6
President elected,	4
" reply of,	104 105
President U. S., administration of,	45 46 47
Primary Schools,	70 85 89
Prison, State,	91 99 102 105
Probate Court in Cheshire, laws furnished to,	102 106
Probate laws,	25 26
Probate Registers of, tenure of office,	55 57 60 66 72
Process, civil,	37
Punishment for crimes,	36 37 55 77 78

Q

Question of Slavery,	30 31 32 33 34 35 36 56
----------------------	-------------------------

R

Rail Road Corporations,	70 79 82
Rail Road, Eastern in N. H.	76 80 81 82 84 91 106
" " Dover and Alton,	91 99
Registers of Probate,	55 57 60 66 72
Recess,	104
Reports N. H. resolution granting to New-London.	50 57
Representatives' Hall, seats in,	94 98 102 105
Resignation of Hon. Isaac Hill,	51 52
Rochester Fire Engine Company,	94 101
Rooms, assigned to committees,	48 50 51 54
Rules and regulations,	4 8 9 10 11
" " joint,	4 6 12 13 14
Rumford Manufacturing Company,	91 97

S

Salaries of State officers,	22 23
Schools, primary,	70 85 89
Seats in Representatives' Hall,	94 98 102 105
Secretary elected,	59
Senate meeting and organization of,	3 4
Senators, names of,	3

Senators, votes for,	52 53 54
" in Congress,	51 52 58
Session, time of closing,	49 63 69 78 82 107
Session second, time of holding,	44 56 57 61 107
Silk culture,	41 42 55 97
Slavery and the slave question,	30 31 32 33 34 35 36 56
State House and Yard,	93 96 105
State Prison,	91 99 102 105
Strafford County, division of,	95 98 101 105
Sullivan County Bank,	81 85 86
Sunapee Company,	78 80 90
Superior Court, opinion of Justices of, (see appendix)	
Surplus revenue,	40 41

T

Tariff,	23 24
Taxes, collectors of,	75 78 79 82
Thanks, resolution of to President	104
Treasurer, accounts of,	14 67 68 75
" elected,	59
" to borrow money,	75 76 82
Tyler Jacob, keeper State House,	96 105
" " and others,	95 100 101 102 105
" " and Currier and Hall,	96 101 102 105

U

Unfinished business,	49 56 73 78 79 89 92 97 98
	99 100 101 103
Union Factory Company,	70 74 77 82
Unity Scientific and Military Academy,	62 65 67 72

V

Votes for Governor,	6 7 8
" " Counsellors,	8 16 17
" " Senators,	52 53 54

W

Walpole Manufacturing Company,	81 85 90 103
White, John H. and others,	94 100 101 106
Wiggin J. B. in favor of,	101 103 105
Winchester Thief Detecting Society,	85 87 89 103
Winnipissiogee Guards,	86 88 89 103
Worsted Manufacturing Company N. E.	66 71 72 82

Y

Yea and nays, Sullivan County Bank,	87
Young Ira and others,	91 97 101 105

